

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-EIGHTH DAY — TUESDAY, APRIL 29, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 375).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Kuempel; Oliveira.

Absent — Chavez; Moreno, P.

(Chavez now present)

The invocation was offered by Dr. Fred Morgan, pastor, Hope Presbyterian Church, Austin, as follows:

Eternal and almighty God, good beyond all that is good, fair beyond all that is fair, your glory shines throughout the world. This day, we commend our state and nation to your merciful care, giving thanks that we continue to live securely in peace and freedom.

Holy God, bless the officers and members of this legislative body and grant them discernment in their authority to be diligent in seeking the common good, faithfulness to you in promoting the welfare of all, wisdom in their decisions, compassion in their reasoning, understanding in their attitudes, endurance in their deliberations, and a perspective on the future that is full of your hope.

Be as attentive to their personal needs as you are to the needs of all people. This we pray through the grace and mercy of your wisdom and truth, O God. Amen.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of illness:

Kuempel on motion of Elkins.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Rose who presented Dr. Eugene Pampe of Austin as the "Doctor for the Day."

The house welcomed Dr. Pampe and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **HCR 211 - ADOPTED**

**(by Nixon)**

Representative Nixon moved to suspend all necessary rules to take up and consider at this time **HCR 211**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 211**, Recognizing April 29, 2003, as Holocaust Remembrance Day.

**HCR 211** was adopted without objection.

### **INTRODUCTION OF GUEST**

The speaker recognized Representative Nixon who introduced Lea Weems, Holocaust survivor. Ms. Weems briefly addressed the house.

(Rose in the chair)

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Driver on motion of Krusee.

### **HCR 222 - ADOPTED**

**(by Merritt)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HCR 222**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 222**, Designating April 29, 2003, as Dale Earnhardt Day in Texas.

**HCR 222** was adopted without objection.

**HR 715 - ADOPTED**  
**(by Campbell)**

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 715**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 715**, Honoring the life of Samuel Lewis of San Angelo.

**HR 715** was unanimously adopted by a rising vote.

**HR 883 - ADOPTED**  
**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 883**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 883**, Recognizing April 29, 2003, as Katy Day at the State Capitol.

**HR 883** was adopted without objection.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Callegari who introduced a delegation from Katy.

**HR 937 - ADOPTED**  
**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 937**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 937**, Recognizing May 2003 as American Heart Association Stroke Awareness Month in Texas.

**HR 937** was adopted without objection.

**HR 836 - ADOPTED**  
**(by Berman)**

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 836**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 836**, Honoring Floyd Trammel of Tyler for his service as chairman of the board of the Texas Nursery and Landscape Association.

**HR 836** was adopted without objection.

### INTRODUCTION OF GUEST

The chair recognized Representative Wong who introduced Dr. James T. Willerson, president of The University of Texas Health Science Center in Houston.

#### **HR 854 - ADOPTED (by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 854**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 854**, Congratulating Joe Tays on being named 2001 Citizen of the Year by the Katy Area Chamber of Commerce.

**HR 854** was adopted without objection.

### INTRODUCTION OF GUEST

The chair recognized Representative Callegari who introduced Joe Tays, 2001 Citizen of the Year of Katy.

#### **HR 853 - ADOPTED (by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 853**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 853**, Congratulating Stan Stanley on his selection as 2002 Citizen of the Year by the Katy Area Chamber of Commerce.

**HR 853** was adopted without objection.

### INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced Stan Stanley, 2002 Citizen of the Year of Katy, and his wife.

#### **HR 939 - ADOPTED (by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 939**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 939**, Honoring the Union Memorial United Methodist Church in Houston on the occasion of its 46th anniversary.

**HR 939** was adopted without objection.

**HR 940 - ADOPTED**  
**(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 940**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 940**, Commending Russell Don Steagall and extending congratulations to him for his induction into the Hall of Great Westerners at the National Cowboy & Heritage Museum.

**HR 940** was adopted without objection.

On motion of Representative Miller, the names of all the members of the house were added to **HR 940** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Geren who introduced Russell Don Steagall.

**HR 944 - ADOPTED**  
**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 944**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 944**, Recognizing April 29, 2003, as Seymour Day at the State Capitol.

**HR 944** was adopted without objection.

**HR 935 - ADOPTED**  
**(by Hodge)**

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 935**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 935**, Recognizing April 29, 2003, as Pioneer Day in Texas.

**HR 935** was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 935** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representatives Hodge and Ritter who introduced members of the SBC Pioneers.

**HR 885 - ADOPTED**  
**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 885**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 885**, Honoring W. D. and Argie Lee Fussell of Katy on their 74th wedding anniversary.

**HR 885** was adopted without objection.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Chavez who introduced Essa Bokarr Sey, ambassador of Gambia to the United States, and guests.

(Speaker in the chair)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business in the district:

B. Keffer on motion of Paxton.

**UNFINISHED BUSINESS**

The following bill was laid before the house as unfinished business:

**CSHB 15 ON SECOND READING**  
**(by Corte, Wohlgemuth, et al.)**

**CSHB 15**, A bill to be entitled An Act relating to regulation of abortion; creating an offense.

**Amendment No. 7**

Representative Rodriguez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

On page 1, line 21, following "licensed to perform the abortion", add:

" , except if such a facility in the community is not available or is unwilling to allow abortion procedures to be provided in its facility."

(Villarreal in the chair)

Representative Corte moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 376): 93 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eiland; Eissler; Elkins; Ellis; Flores; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf;

Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, J.; King; Krusee; Laney; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; Moreno, J.; Naishtat; Noriega; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Villarreal(C).

Absent, Excused — Driver; Keffer, B.; Kuempel; Oliveira.

Absent — Capelo; Chavez; Deshotel; Geren; Kolkhorst; Luna; Menendez; Moreno, P.; Riddle.

#### STATEMENTS OF VOTE

When Record No. 376 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kolkhorst

When Record No. 376 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

J. Keffer on motion of Christian.

#### CSHB 15 - (consideration continued)

#### Amendment No. 8

Representative Rodriguez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

On page 5, line 19, add the following:

(f) In addition to any other organization or entity, the department shall use the American College of Obstetricians and Gynecologists as the resource in developing information required to be provided under Sections 171.012(a)(1)(B) and (D) and (a)(2)(A), (B), and (C); Sections 171.016; and in maintaining the department's Internet website.

Amendment No. 8 was adopted without objection.

**Amendment No. 9**

Representative Dukes offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (House Committee Printing) on page 7, line 13, by inserting the following after the period:

"(Subsections 171.019-171.030 reserved for expansion.)

SUBCHAPTER D. WOMAN'S RIGHT TO KNOW ACCURATE INFORMATION ABOUT HER FULL RANGE OF PREGNANCY OPTIONS

Sec. 171.031. DEFINITIONS. In this chapter:

(1) "Crisis pregnancy center" means a charitable organization that provides counseling and material assistance to pregnant women who are considering placing their children for adoption and does not provide abortions or abortion-related services or makes referrals to abortion providers.

(2) "Pregnancy" and "pregnant" mean the condition of a woman having a developing embryo or fetus in the woman's body after successful conception.

Sec. 171.032. APPLICATION. The department may provide information about a public or private agency under Section 171.015 of this title if the agency complies with this chapter.

Sec. 171.033. RISK INFORMATION. (a) A person may not provide counseling information regarding pregnancy options, including adoption, to a pregnant woman without providing information on the risks associated with an abortion procedure and pregnancy and birth risks.

(b) The department shall develop educational materials that describe risks associated with abortion, pregnancy and birth, and should include:

(1) the risks to a woman's health from abortion including infection and hemorrhage;

(2) the risks to a woman's health from pregnancy and birth including high-blood pressure, diabetes, depression and death;

(3) the statistical risks associated with abortion, pregnancy and birth including pregnancy-related mortality versus abortion-related mortality.

Sec. 171.034. CRISIS PREGNANCY CENTERS. (a) A crisis pregnancy center must provide balanced information to women seeking pregnancy counseling that outline all of the pregnancy options available to them, including:

(1) the risks associated with abortion, pregnancy and childbirth as developed by the department;

(2) information related to a woman's rights and responsibilities during the adoption process and risks associated with post-partum depression and emotional traumas associated with pregnancy and parenting;

(3) the liability of a child's father for financial assistance, including the statistical percentage of fathers who actually provide financial assistance as determined by the Office of Child Support Enforcement, U.S. Department of Health and Human Services, and any successor agency; and

(4) geographically-indexed materials designed to inform a woman of public and private agencies and services available to assist a woman with family planning, pregnancy, childbirth, adoption a child's dependency and abortion, including:

(A) a comprehensive list of agencies and services; and

(B) a description of the manner, including telephone numbers, in which these agencies and services may be contacted.

Sec. 171.035. WOMAN'S RIGHTS AT CRISIS PREGNANCY CENTER. A crisis pregnancy center shall ensure that all women using the center and its services:

- (1) be allowed to make her own choice and self-determination;
- (2) are ensured the right to personal privacy and confidentiality of her choices and decisions;
- (3) have access to care and treatment consistent with available resources and generally accepted standards regardless of race, creed, and national origin;
- (4) are allowed to ask additional questions after receiving information and counseling; and
- (5) are provided freedom from abuse, neglect, or exploitation as those terms are defined by the department by rule."

(Howard in the chair)

Representative Corte moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 377): 90 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Ellis; Flores; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laney; Lewis; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farabee; Farrar; Gallego; Garza; Geren; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Jones, J.; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Naishtat; Noriega; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Edwards; Goodman; Laubenberg; Luna; Moreno, P.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**CSHB 15 - (consideration continued)****Amendment No. 10**

Representative Naishtat offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

Strike Section 2 of the bill and renumber the subsequent sections accordingly.

Representative Corte moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 378): 96 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Naishtat; Noriega; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Villarreal; Wilson.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Capelo; Laney; Luna; Moreno, P.; Wise; Wolens.

**Amendment No. 11**

Representative Hartnett offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by striking SECTION 2 of the bill (page 7, lines 14-27 and page 8, lines 1-22) and substituting the following:

SECTION 2. Section 245.004(a), Health and Safety Code, is amended to read as follows:

(a) The following facilities need not be licensed under this chapter:

(1) a hospital licensed under Chapter 241 (Texas Hospital Licensing Law); ~~[or]~~

(2) the office of a physician licensed under Subtitle B, Title 3, Occupations Code, unless the office is used for the purpose of performing more than 50 ~~[300]~~ abortions in any 12 month period; or

(3) an ambulatory surgical center licensed under Chapter 243.

(P. Moreno now present)

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in his wife's family:

Gallego on motion of Hochberg.

### CSHB 15 - (consideration continued)

Amendment No. 11 was withdrawn.

### Amendment No. 12

Representative Naishtat offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

Strike Section 3 of the bill, and renumber the subsequent sections accordingly.

Representative Corte moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 379): 94 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Farrar; Garza; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Raymond; Rodriguez; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Bailey; Castro; Chavez; Eiland; Giddings; Luna; Rose; Turner; Wilson.

### **Amendment No. 13**

Representative Villarreal offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 1, at the end of line 14 by adding "The term does not include birth control devices or oral contraceptives."

Representative Corte moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 380): 89 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Dukes; Eiland; Flores; Luna; Rose; Wilson; Wise.

### **Amendment No. 14**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 2, line 6, Sec. 171.012, VOLUNTARY AND INFORMED CONSENT. Following "a medical emergency", add:

in cases of fetal anomaly or in cases when the abortion is deemed medically necessary"...

Representative Corte moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 381): 89 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; King; Kolkhorst; Krusee; Laubenberg; Lewis; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Garza; Giddings; Goodman; Guillen; Gutierrez; Hamric; Hochberg; Hodge; Jones, E.; Jones, J.; Laney; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens; Woolley.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Eiland; Luna; Telford.

### **Amendment No. 15**

Representative Thompson offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 3, line 9, between "devices" and the semi-colon, insert ", including emergency contraception for victims of rape or incest".

Representative Corte moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 382): 67 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Keel; King; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Zedler.

Nays — Alonzo; Bailey; Branch; Burnam; Canales; Casteel; Castro; Chavez; Coleman; Crownover; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Ellis; Farabee; Farrar; Flores; Garza; Geren; Giddings; Goodman; Griggs; Guillen; Gutierrez; Haggerty; Hamric; Hardcastle; Hochberg; Hodge; Hopson; Jones, D.; Jones, E.; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Stick; Telford; Thompson; Truitt; Turner; Uresti; Villarreal; Wilson; Wise; Wolens; Wong; Woolley.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Capelo; Christian; Eiland; Hilderbran; Kolkhorst; Luna; Mercer.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 382. I intended to vote present, not voting.

Baxter

When Record No. 382 was taken, my vote failed to register. I would have voted no.

Capelo

I was shown voting yes on Record No. 382. I intended to vote no.

R. Cook

When Record No. 382 was taken, my vote failed to register. I would have voted yes.

Hilderbran

I was shown voting present, not voting on Record No. 382. I intended to vote yes.

Howard

#### **Amendment No. 15 - Vote Reconsidered**

Representative Corte moved to reconsider the vote by which the motion to table Amendment No. 15 prevailed.

The motion to reconsider prevailed.

The motion to table was withdrawn.

Amendment No. 15 was adopted without objection.

#### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**CSHB 15 - (consideration continued)****Amendment No. 16**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 2 by striking lines 16-22 and substituting the following:

(i) the risks of infection and hemorrhage; and  
(ii) the potential danger to a subsequent pregnancy and of infertility;

Representative Corte moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 383): 86 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eiland; Eissler; Elkins; Ellis; Flores; Flynn; Gattis; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Farrar; Garza; Geren; Guillen; Gutierrez; Hochberg; Hodge; Homer; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Keffer, B.; Keffer, J.; Kuempel; Oliveira.

Absent — Chavez; Giddings; Goolsby; Hardcastle; Luna; Solomons; West.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today because of important business in the district:

Hupp on motion of Berman.

Merritt on motion of Elkins.

**CSHB 15 - (consideration continued)****Amendment No. 17**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 4, between lines 6 and 7 by inserting the following:

(d) The information provided to the woman under Subsection (a)(2)(B) must include, based on information available from the Office of the Attorney General and the United States Department of Health and Human Services Office of Child Support Enforcement for the three-year period preceding the publication of the information, information regarding:

- (1) the statistical likelihood of collecting child support; and
- (2) the average amount of child support paid.

Amendment No. 17 was withdrawn.

**Amendment No. 18**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by striking page 5, line 22 through page 6, line 10, and substituting the following:

(1) geographically indexed materials designed to inform the woman of public and private agencies and services that are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(A) a comprehensive list of adoption agencies;

(B) a description of the services the adoption agencies offer; and

(C) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; or

Representative Corte moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 384): 86 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Miller; Morrison; Nixon; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Garza; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Lewis; Mabry; Martinez

Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Hupp; Keffer, B.; Keffer, J.; Kuempel; Merritt; Oliveira.

Absent — Dunnam; Giddings; Hardcastle; Laney; Luna; Mowery; Wise.

### **Amendment No. 19**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 4, lines 6 and 7 by inserting the following:

(d) The information provided to the woman under Subsection (a)(2)(B) must include, based on information available from the Office of the Attorney General and the United States Department of Health and Human Services Office of Child Support Enforcement for the three-year period preceding the publication of the information, information regarding the statistical likelihood of collecting child support.

(e) The department is not required to republish informational materials described by Subsection (a)(2)(B) because of a change in information described by Subsection (d) unless the statistical information in the materials changes by five percent or more.

Amendment No. 19 was adopted without objection.

A record vote was requested.

**CSHB 15**, as amended, was passed to engrossment by (Record 385): 95 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Isett; Jones, D.; Jones, E.; Keel; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Madden; Marchant; McCall; McReynolds; Mercer; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Farrar; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodges; Jones, J.; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Raymond; Rodriguez; Rose; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Howard(C).

Absent, Excused — Driver; Gallego; Hupp; Keffer, B.; Keffer, J.; Kuempel; Merritt; Oliveira.

Absent — Chavez; Hardcastle; Luna.

### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 385. I intended to vote yes.

Howard

When Record No. 385 was taken, I was absent because of illness. Had I been present I would have voted yes.

Kuempel

(B. Keffer and Merritt now present)

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

#### **SB 732 ON SECOND READING** **(Puente - House Sponsor)**

**SB 732**, A bill to be entitled An Act relating to discounts or other forms of pricing flexibility for telecommunications services.

**SB 732** was considered in lieu of **CSHB 1542**.

**SB 732** was read second time and was passed to third reading.

#### **CSHB 1542 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Puente moved to lay **CSHB 1542** on the table subject to call.

The motion prevailed without objection.

#### **HB 1316 ON SECOND READING** **(by Callegari, et al.)**

**HB 1316**, A bill to be entitled An Act relating to the service area of the North Harris Montgomery Community College District.

**HB 1316** was read second time on April 10, postponed until April 22, and was again postponed until 11 a.m. today.

Representative Miller moved to postpone consideration of **HB 1316** until 11 a.m. Monday, May 5.

The motion prevailed without objection.

#### **HB 2042 ON SECOND READING** **(by Marchant, et al.)**

**HB 2042**, A bill to be entitled An Act relating to enforcement of conduct and other matters concerning a security; providing a penalty.

**HB 2042** was read second time on April 8, postponed until 11 a.m., April 22, postponed until 11:15 a.m., April 22, and was again postponed until 1:30 p.m. today.

Representative Marchant moved to postpone consideration of **HB 2042** until 11 a.m. tomorrow.

The motion prevailed without objection.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 3015 ON SECOND READING  
(by Morrison and F. Brown)**

**CSHB 3015**, A bill to be entitled An Act relating to the tuition charged to students of institutions of higher education and to student financial assistance funded by tuition.

(Speaker in the chair)

**Amendment No. 1**

Representative Deshotel offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** by striking all below the enacting clause.

**Amendment No. 2**

Representatives Chavez and McReynolds offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Deshotel to **CSHB 3015** by striking the text of the amendment and substituting the following:

Amend **CSHB 3015** by striking all below the enacting clause and substituting the following:

SECTION 1. (a) The House Committee on Higher Education, after the regular session of the 78th Legislature, shall conduct a study of alternative methods by which rates for tuition and fees at public institutions of higher education may be set by the legislature and by the governing boards of those institutions. The study shall consider the impact of those alternatives on:

- (1) revenue for the operation of institutions of higher education;
- (2) enrollment;
- (3) graduation;
- (4) educational quality;
- (5) affordability;
- (6) student financial aid;
- (7) state college savings and guaranteed tuition plans;
- (8) progress toward the goals and targets of the master plan for higher education established under Section 61.051(a), Education Code; and
- (9) any other factors determined by the committee to be significant.

(b) The committee shall present the results of the study along with its recommendations to the legislature not later than December 1, 2004.

1.

Amendment No. 2 was adopted without objection.

Representative F. Brown moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 386): 74 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hunter; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Laubenberg; Luna; Madden; McCall; Menendez; Mercer; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Rose; Seaman; Smith, W.; Smithee; Stick; Swinford; Taylor; Truitt; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Hughes; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Smith, T.; Solis; Solomons; Telford; Thompson; Turner; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Hupp; Keffer, J.; Kuempel; Oliveira.

Absent — Grusendorf; Hardcastle; Hilderbran; Jones, J.; Marchant; Talton; Wolens.

### STATEMENT OF VOTE

When Record No. 386 was taken, my vote failed to register. I would have voted no.

Hilderbran

### Amendment No. 3

Representative J. Jones offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 2, line 1, between "code" and the underlined comma, insert "and subject to Subsection (e)".

(2) On page 2, between lines 16 and 17, insert the following:

(e) In an academic year to which Subsection (b)(3) applies, an institution of higher education may not charge tuition under Subsection (b) in excess of the amount provided by Subsection (b)(2) unless the institution is certified by the Texas Higher Education Coordinating Board to have made satisfactory progress since the preceding year toward the accessibility goals established by the coordinating board in the master plan for higher education and in Closing the Gaps by 2015. For each institution that the coordinating board determines has not made satisfactory progress toward those goals, the coordinating board shall establish criteria that the institution must meet to be considered to be making satisfactory progress toward those goals by the next January 1. Not later than September 1, the governing board of the institution must prepare and submit to the coordinating board a plan for the institution's efforts to make satisfactory progress toward those goals, together with information required by the coordinating board to assist the coordinating board to evaluate the progress of the institution in meeting the goals, including information on the race, ethnicity, and economic background of the institution's student body and most recent entering class.

(3) Beginning on page 2, line 17, reletter the other subsections of amended Section 54.0513, Education Code, accordingly.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 21).

(Hegar in the chair)

#### **CSHB 3015 - (consideration continued)**

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representatives Menendez and Villarreal offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 5, between lines 3 and 4, by inserting the following:

Sec. 56.013. RESIDENT GRADUATE STUDENT ASSISTANCE. (a) The governing board of each institution of higher education shall cause to be set aside not less than 15 percent of any amount of tuition charged to a resident student enrolled in a graduate or professional degree program under Section 54.0513 in excess of \$46 per semester credit hour. The funds set aside under this section by an institution shall be used to provide financial assistance for resident students enrolled in graduate and professional degree programs at the institution.

(b) To be eligible for assistance under this section, a student enrolled in a graduate or professional degree program must establish financial need in accordance with rules and procedures established by the Texas Higher Education

Coordinating Board. Priority shall be given to students who meet the coordinating board definition of financial need, and whose cost for tuition and required fees is not met through other non-loan financial assistance programs.

(c) The financial assistance provided under this section may include grants, scholarships, and work-study programs.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative F. Brown offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** by deleting SECTION 2 of the bill and renumbering subsequent sections of the bill accordingly.

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Luna offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 7, between lines 16 and 17, by inserting the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board shall conduct a study of the accessibility and availability of graduate and professional programs in institutions of higher education in this state. Not later than January 1, 2004, the board shall report the results of the study, together with any recommendations for improving the accessibility and availability of these programs, to the lieutenant governor, speaker of the house of representatives, and the members of the legislature.

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representatives Rose, Bonnen, Menendez, and Villarreal offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 3, line 21, by striking "15" and substituting "20".

Amendment No. 7 was adopted without objection.

#### **Amendment No. 8**

Representative Menendez offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 5, line 21, strike "and".

(2) On page 5, between lines 21 and 22, insert the following:

(4) an analysis of the manner in which the factors described by Subdivisions (1)-(3) relate to:

(A) the regions of this state in which students reside;

(B) the race or ethnicity of students;

(C) the gender of students; and

- (D) the level of education achieved by the parents of students; and  
(3) On page 5, line 22, strike "(4)" and substitute "(5)".

Amendment No. 8 was adopted without objection.

#### **Amendment No. 9**

Representative Hilderbran offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 3, strike SECTION 2 of the bill (lines 10-14) and substitute the following:

"(h) Tuition may not be charged under Subsections (b) and (c) for any academic period after the 2004-2005 academic year."

(2) On page 5, between lines 3 and 4, insert the following:

"Sec. 56.013. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2005."

(3) On page 6, between lines 4 and 5, insert the following:

"(e) This section expires September 1, 2005."

(4) Renumber the SECTIONS of the bill as appropriate.

#### **Amendment No. 10**

Representative Hilderbran offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Hilderbran to **CSHB 3015** on page 1, line 4, by striking "Subsections (b) and (c)" and substituting "Subsection (b)".

(Speaker in the chair)

Amendment No. 10 was adopted without objection.

Representative Morrison moved to table Amendment No. 9.

A record vote was requested.

The motion to table was lost by (Record 387): 56 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Branch; Brown, B.; Brown, F.; Casteel; Chisum; Cook, R.; Corte; Crabb; Crownover; Dawson; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Heflin; Hegar; Hill; Hope; Howard; Hunter; Isett; Jones, E.; King; Krusee; Luna; Marchant; Menendez; Mercer; Merritt; Morrison; Mowery; Nixon; Phillips; Pitts; Rose; Smith, W.; Swinford; Villarreal; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bohac; Bonnen; Burnam; Callegari; Campbell; Canales; Capelo; Castro; Chavez; Christian; Coleman; Cook, B.; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Harper-Brown; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Keel; Keffer, B.; Kolkhorst; Laney; Laubenberg; Lewis; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Miller; Moreno,

J.; Moreno, P.; Naishtat; Noriega; Olivo; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Solis; Solomons; Stick; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Hupp; Keffer, J.; Kuempel; Oliveira.

Absent — Hartnett; Reyna; Seaman; Smithee; Talton.

### **Amendment No. 11**

Representative Wolens offered the following amendment to Amendment No. 9:

Substitute the following for the Hilderbran amendment:

Amend **CSHB 3015** as follows:

(1) On page 3, strike SECTION 2 of the bill (lines 10-14) and substitute the following:

"(h) Tuition may not be charged under Subsections (b) for any academic period after the 2008-2009 academic year."

(2) On page 5, between lines 3 and 4, insert the following:

"Sec. 56.013. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2009."

(3) On page 6, between lines 4 and 5, insert the following:

"(e) This section expires September 1, 2009."

(4) Renumber the SECTIONS of the bill as appropriate.

Representative Deshotel moved to table Amendment No. 11.

The motion to table was withdrawn.

Amendment No. 11 was withdrawn.

### **HR 955 - ADOPTED (by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 955**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 955**, Congratulating the Dallas Oak Cliff Lions Club on its 75th anniversary celebration.

**HR 955** was adopted without objection.

### **HR 959 - ADOPTED (by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 959**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 959**, Honoring Jason Michael Ford of Austin for achieving the rank of Eagle Scout.

**HR 959** was adopted without objection.

**CSHB 3015 - (consideration continued)**

Representative Morrison moved to postpone consideration of **CSHB 3015** until after consideration of **CSHB 5**.

The motion prevailed without objection.

**CSHB 5 ON SECOND READING**

(by Grusendorf, Marchant, Wilson, Hill, Heflin, et al.)

**CSHB 5**, A bill to be entitled An Act relating to public school finance.

(Kuempel now present)

**Amendment No. 1**

Representatives Oliveira, Luna, and Gutierrez offered the following amendment to **CSHB 5**:

Amend **CSHB 5** on page 3, lines 3 through 14, by deleting SECTION 4 and substituting the following:

SECTION 4. Effective September 30, 2005, Chapter 4, Education Code, is amended by adding Section 4.003 to read as follows:

Sec. 4.003. STATE RESPONSIBILITY FOR PROVISION OF PUBLIC EDUCATION.

(a) It is the policy of this state that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to the student's educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors.

(b) The public school finance system of this state shall adhere to a standard of neutrality that provides for substantially equal access to similar revenue per student at similar tax efforts, considering all state and local tax revenues of districts after acknowledging all legitimate student and district cost differences.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Branch offered the following amendment to **CSHB 5**:

Amend **CSHB 5** on page 3, lines 3, 15, 22, and 25, page 4, lines 4, 8, 9, 21, 23, and 27, and page 5, lines 6 and 7, by striking "September 30, 2005" each place it appears and substituting "September 1, 2004".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representatives Christian, Bonnen, and J. Keffer offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

In SECTION 1 of the bill, add new Subsections (d) and (e) to Section 42.2516 which read as follows:

(d) In addition to any aid established by Sec. 42.2516(a), for the 2003-2004 school year, a school district with less than 5,000 students in average daily attendance and a wealth per student that does not exceed the equalized wealth level under section 41.002, Education Code, is also entitled to additional funding determined as follows. Multiply 0.65 times the amount calculated when \$100 times the district's average daily attendance is subtracted from \$75 times the district's weighted average daily attendance.

(e) In addition to any aid established by Sec. 42.2516(b), for the 2004-2005 school year, a school district with less than 5,000 students in average daily attendance and a wealth per student that does not exceed the equalized wealth level under section 41.002, Education Code, is also entitled to additional funding determined as follows. Multiply 0.65 times the amount calculated when \$200 times the district's average daily attendance is subtracted from \$150 times the district's weighted average daily attendance.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representatives Hardcastle and Gutierrez offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) On page 3, line 3, strike "Effective September 30, 2005,".

(2) On page 3, line 15, strike "Effective September 30, 2005, the" and substitute "The".

(3) Strike Section 7 of the bill (page 5, lines 8 and 9) and substitute the following:

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2003.

(b) Sections 4 and 5 of this Act take effect September 1, 2004, but only if, before that date:

(1) the legislature has enacted a school finance system to replace the system established by Chapters 41, 42, 45, and 46, Education Code;

(2) the Act enacting a school finance system in compliance with Subdivision (1) of this subsection affirmatively states that the system is a comprehensive school finance system for the entire state; and

(3) the school finance system enacted in compliance with Subdivision (1) of this subsection has become law.

**Amendment No. 5**

Representative Garza offered the following amendment to Amendment No. 4:

Amend the Hardcastle amendment to **CSHB 5** as follows:

(1) On page 1, line 18, strike "and".

(2) On page 1, between lines 18 and 19, insert the following:

(3) the legislature has, by majority vote, determined that the alternate school finance system enacted in compliance Subdivision (1) of this subsection is at least as equitable in providing state and local funding per student as the school finance system established under Chapters 41, 42, 45, and 46, Education Code, as those chapters existed on January 1, 2003; and

(3) On page 1, line 19, strike "(3)" and substitute "(4)".

Amendment No. 5 was withdrawn.

Amendment No. 4 was adopted without objection.

**CSHB 5 - POINT OF ORDER**

Representative Mabry raised a point of order against further consideration of **CSHB 5** under Rule 4, Section 11(a) and Rule 4, Section 12 of the House Rules and Article III, Section 16 of the Texas Constitution on the grounds that the time and place of meeting was not announced when the five day posting rule was suspended.

The speaker overruled the point of order, speaking as follows:

Mr. Mabry raises a point of order under Rule 4, Sections 11 and 12, and under the open meetings law, in that **HB 5** was not posted at the meeting at which the bill was considered.

The bill was heard in committee at a properly noticed meeting called before the suspension of the five day posting rule. Accordingly, there was nothing improper in the committee's consideration of the bill.

Accordingly, the point of order is respectfully overruled.

**MEMORANDUM BY REPRESENTATIVE MABRY**

The majority of the House Rules relating to committee procedure serves as the basis for open and inclusive government and most importantly open meetings. Committee rules relating to the posting notice include two distinct purposes.

First, the rules contemplate the length of time required between announcing a bill will be considered in public hearing and the date the public hearing may occur. "No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a regular session unless notice of the hearing has been posted in accordance with the rules at least five calendar days in advance of the hearing." House Rule 4 § (11)(a) (78th Leg. 2003)

Second, the rules require that meetings are open to the public and this rule is the cornerstone of open government in the house. "All meetings of a committee or subcommittee, including a calendars committee, shall be open to other members, the press, and the public unless specifically provided otherwise by resolution adopted by the house." House Rule 4 § (11)(a) (78th Leg. 2003)

Suspension of the five-day posting rule suspends the rule requiring notice to be posted at least five calendar days in advance of the hearing (Rule 4, Sec 11). Suspension of the five-day posting rule does not suspend the need to post proper notice of a public hearing to comply with the open meetings rule (Rule 4, Sec 12). The open meetings rule can only be abrogated by special resolution, the General Investigating Committee, or for a matter that is quasi-judicial.

Suspending the five-day posting rule without posting proper notice of a public hearing's date, time and room number may have the effect of creating a secret meeting that hinders the access of other members, the press, and the public. It is disingenuous to argue that a public meeting that has no notice of a meeting time, date, or location is a public meeting. Every public entity in the State of Texas posts notice of the time, date, and location of all meetings in order to comply with the Texas Open Meetings Act as guaranteed by Texas Statutes and the Texas Constitution.

A random review of the House Journal from the 77th Legislature indicates numerous examples of the five-day posting rule being suspended with proper notice of the meeting being included in order to comply with the house open meetings rule. Please see the attached 77th Legislature, House Journal pages 722, 1125, 1315, 1488, 1565, 1739, 3178, and 3179 to see a few examples. More recent example of proper notice can be found during this session on April 28, 2003. All five-day suspensions announced from the dais included the time, date, and location of the committee meeting.

Furthermore, suspension of the five-day posting rule is only meant to facilitate the legislative process for important bills during narrow time deadlines at the end of the legislative session. The suspension of the five-day posting rule is not and was never meant to be used as a means to hinder the public from participating and/or observing a public hearing by failing to announce or post the time, date, and location of the public meeting.

Ruling against this point of order will make a mockery of the open meetings process and public notification as it is absurd to believe that the public has access to government meetings without notification of the time, date, and location. For the foregoing reasons, the point of order should be sustained.

#### **Amendment No. 6**

Representatives Luna, Gutierrez, Bonnen, Ritter, and Heflin offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

- (1) On page 1, line 11, strike "\$100" and substitute "\$150".
- (2) On page 1, line 16, strike "\$200" and substitute "\$150".
- (3) On page 2, between lines 8 and 9, insert the following:

(d) This subsection applies only to a current employee of a school district who is entitled to the minimum salary under Section 21.402, who was employed by that district during the 2002-2003 school year, and who received funds under Article 3.50-8, Insurance Code, during the 2002-2003 school year. For the 2003-2004 school year, a school district shall ensure that each employee to whom this subsection applies and who is employed by the district receives the difference, if any, between \$1,000 and the amount per employee that the district receives under other law for purposes of Article 3.50-8, Insurance Code, for employees to whom this subsection applies. A district employee may not bring a cause of action against a district under this subsection on the basis of the amount paid to the employee under this subsection if the employee's total salary for the 2003-2004 school year, including amounts paid for purposes of Article 3.50-8, Insurance Code, is equal to or greater than the employee's base salary for the 2002-2003 school year, including any career ladder supplement, plus any money paid to or used on behalf of the employee under Section 3.50-8, Insurance Code.

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representative Laubenberg offered the following amendment to **CSHB 5**:

Amend **CSHB 5** on page 1, between lines 3 and 4, by inserting the following new section and renumbering the subsequent sections accordingly:

SECTION 1. Sections 41.0021(a) and (e), Education Code, are amended to read as follows:

(a) Notwithstanding Section 41.002, for the [~~2001-2002, 2002-2003, and~~] 2003-2004 and 2004-2005 school years, a school district that in the 1999-2000 school year did not offer each grade level from kindergarten through 12 may elect to have its wealth per student determined under this section.

(e) This section expires September 1, 2005 [~~2004~~].

Amendment No. 7 was adopted. (Thompson recorded voting no)

#### **Amendment No. 8**

Representatives Eissler and Kolkhorst offered the following amendment to **CSHB 5**:

Amend **CSHB 5** by inserting the following before Section 5 and renumbering accordingly:

SECTION 5. Section 46.033, Education Code, is amended to read as follows:

Sec. 46.033. ELIGIBLE BONDS. Bonds, including bonds issued under Section 45.006, are eligible to be paid with state and local funds under this subchapter if:

(1) the district made payments on the bonds during the 2002-2003 [~~2000-2004~~] school year or taxes levied to pay the principal of and interest on the bonds were included in the district's audited debt service collections for that school year; and

(2) the district does not receive state assistance under Subchapter A for payment of the principal and interest on the bonds.

SECTION 6. Section 46.034(c), Education Code, is amended to read as follows:

(c) If the amount required to pay the principal of and interest on eligible bonds in a school year is less than the amount of payments made by the district on the bonds during the 2002-2003 [~~2000-2001~~] school year or the district's audited debt service collections for that school year, the district may not receive aid in excess of the amount that, when added to the district's local revenue for the school year, equals the amount required to pay the principal of and interest on the bonds.

SECTION 7. Sections 46.034(d) and (e), Education Code, are added as follows:

(d) Notwithstanding any other provision of this chapter, if the appropriation to support newly eligible bonds for the 2003-2004 school year and the 2004-2005 school year is not sufficient to provide the state aid that school districts are entitled to under Section 46.032, Education Code, the commissioner is directed to reduce the \$35 guaranteed level of state and local support per student per cent of tax effort for newly eligible debt only to the level necessary to fund the sum of the allotments within the appropriated amount. The guaranteed level for eligible debt through the 2000-2001 school year is not affected by this adjustment. The commissioner shall make this determination as soon as practicable, prior to the beginning of the school year. The decision of the commissioner is final and may not be appealed.

(e) Section 46.034(d), Education Code, expires effective September 1, 2005.

Amendment No. 8 was adopted without objection.

### **Amendment No. 9**

Representatives Truitt and Luna offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) Insert the following new section, appropriately numbered:

SECTION \_\_\_\_\_. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2516 to read as follows:

Sec. 42.2516. EXCESS FUNDS FOR COST OF EDUCATION ADJUSTMENT. (a) If the commissioner determines that the amount appropriated for purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner may:

(1) adjust each district's cost of education adjustment under Section 42.102 to reflect current uncontrollable variations in the cost of education, particularly the cost of providing salaries and benefits to classroom teachers; and

(2) provide funding under this chapter based on the cost of education index adjusted under Subdivision (1).

(b) If the amount available under Subsection (a) is not sufficient to provide funding based on the cost of education index adjusted under Subsection (a)(1), the commissioner shall rank districts by the increase in the cost of education adjustment applicable to each district under this section and shall provide funding under this section to districts in descending order of the amount of increase in the cost of education adjustment applicable to districts under this section, beginning with the district that has the greatest increase in the cost of education adjustment, until no funds are available for purposes of this section.

(2) Renumber the sections of the bill and correct the cross-references to the renumbered sections accordingly.

Amendment No. 9 was adopted without objection.

### **Amendment No. 10**

Representative Hochberg offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) On page 1, strike lines 4-24, on page 2, strike lines 1 through 8, and substitute the following:

SECTION 1. Effective September 1, 2003, Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds \$310,000 [~~\$305,000~~].

SECTION 2. Effective September 1, 2004, Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds \$315,000 [~~\$305,000~~].

SECTION 3. Effective September 1, 2003, Section 42.101, Education Code, is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment of \$2570 [~~\$2537~~]. A greater amount for any school year may be provided by appropriation.

SECTION 4. Subchapter D, Chapter 42, Education Code, is amended by adding Sections 42.2516, 42.2517, and 42.226 to read as follows:

Sec. 42.2516. ADDITIONAL STATE AID FOR EMPLOYEE HEALTH COVERAGE OR COMPENSATION SUPPLEMENTATION. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, or a participating open-enrollment charter school, as defined by Section 1, Article 3.50-8, Insurance Code, is entitled to state aid in an amount, as determined by the commissioner, equal to the difference, if any, between:

(1) an amount equal to the product of the number of employees employed by the district or school and entitled to a health care or compensation supplementation under Article 3.50-8, Insurance Code, multiplied by the

difference between \$1,000 and the amount appropriated per employee to the Teacher Retirement System of Texas for purposes of Article 3.50-8, Insurance Code; and

(2) an amount equal to 65 percent of the amount of additional funds to which the district or school is entitled due to the increases made by **HB 5**, Acts of the 78th Legislature, Regular Session, 2003, to:

(A) the equalized wealth level under Section 41.002;

(B) the basic allotment under Section 42.101; and

(C) the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302.

(b) A determination by the commissioner under this section is final and may not be appealed.

(c) The commissioner may adopt rules to implement this section.

Sec. 42.2517. Notwithstanding any other provision of this Code, the total additional funds to which the district or school is entitled for the 2003-2004 school year or for the 2004-2005 school year under Section 42.2516 as added by **HB 5**, Acts of the 78th Legislature, Regular Session, 2003, and due to the increases made by **HB 5**, Acts of the 78th Legislature, Regular Session, 2003, to the equalized wealth level under Section 41.002, the basic allotment under Section 42.101, and the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302, may not exceed \$300 per student in average daily attendance per year.

Sec. 42.261. USE OF CERTAIN FUNDS. (a) In this section, "participating charter school" has the meaning assigned by Section 1, Article 3.50-8, Insurance Code.

(b) Notwithstanding any other provision of this code, a school district or participating charter school may use the amount of funds determined by multiplying the number of district or school employees who are eligible under Article 3.50-8, Insurance Code, by the difference between \$1,000 and the amount appropriated per employee to the Teacher Retirement System of Texas for purposes of Article 3.50-8, Insurance Code, only as provided by Article 3.50-8, Insurance Code, for district or school employees.

(2) On page 3, between lines 2 and 3, insert the following new sections, appropriately numbered:

SECTION \_\_\_\_\_. Effective September 1, 2003, Section 42.302(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 42.303, is determined by the formula:

$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

where:

"GYA" is the guaranteed yield amount of state funds to be allocated to the district;

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is \$28.42 [~~\$27.14~~] or a greater amount for any year provided by appropriation;

"WADA" is the number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation, any allotment under Section 42.158, and 50 percent of the adjustment under Section 42.102, by the basic allotment for the applicable year;

"DTR" is the district enrichment tax rate of the school district, which is determined by subtracting the amounts specified by Subsection (b) from the total amount of maintenance and operations taxes collected by the school district for the applicable school year and dividing the difference by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100.

SECTION \_\_\_\_\_. Effective September 1, 2004, Section 42.302(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 42.303, is determined by the formula:

$$GYA = (GL \times WADA \times DTR \times 100) - LR$$

where:

"GYA" is the guaranteed yield amount of state funds to be allocated to the district;

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is \$28.48 [~~\$27.14~~] or a greater amount for any year provided by appropriation;

"WADA" is the number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation, any allotment under Section 42.158, and 50 percent of the adjustment under Section 42.102, by the basic allotment for the applicable year;

"DTR" is the district enrichment tax rate of the school district, which is determined by subtracting the amounts specified by Subsection (b) from the total amount of maintenance and operations taxes collected by the school district for the applicable school year and dividing the difference by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100.

(Hupp now present)

(Van Arsdale in the chair)

Representative Grusendorf moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 388): 81 Yeas, 56 Nays, 3 Present, not voting.

Yeas — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Crownover; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Garza; Giddings; Guillen; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, D.; Laney; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker; Allen; Van Arsdale(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Eiland; Hughes; Jones, J.; Smithee; Solis.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

### CSHB 5 - (consideration continued)

#### Amendment No. 11

Representative Garza offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) On page 3, line 3, strike "Effective September 30, 2005,".

(2) On page 3, line 15, strike "Effective September 30, 2005, the" and substitute "The".

(3) Strike Section 7 of the bill (page 5, lines 8 and 9) and substitute the following:

SECTION 7. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2003.

(b) Sections 4 and 5 of this Act take effect September 1, 2005, but only if, before that date:

(1) the legislature has enacted an alternate school finance system that eliminates disparities among school districts in the amount of taxable valuation of property per student;

(2) the legislature has, by majority vote, determined that the alternate school finance system enacted under Subdivision (1) of this subsection is equitable; and

(3) the alternate school finance system enacted under Subdivision (1) of this subsection has become law.

(c) If, before September 1, 2005, an alternate school finance system has not been enacted and become law as provided by Subsection (b) of this section, Sections 4 and 5 of this Act have no effect.

Amendment No. 11 was withdrawn.

#### **Amendment No. 12**

Representatives Solomons and Branch offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) On page 3, line 7, between "EDUCATION." and "It", insert "(a)".

(2) On page 3, between lines 14 and 15, insert the following:

(b) It is the policy of this state that not later than September 1, 2007, the legislature shall provide state funding in an amount that constitutes at least 50 percent of the cost of maintaining and operating the public school system.

Amendment No. 12 was adopted without objection.

#### **Amendment No. 13**

Representative Burnam offered the following amendment to **CSHB 5**:

Amend **CSHB 5** (House Committee Printing) as follows:

(1) Insert a new SECTION 5 to read as follows and renumber subsequent SECTIONS accordingly:

"SECTION 5. Subtitle E, Title 2, Tax Code, is amended by adding Chapter 162 to read as follows:

##### CHAPTER 162. COAL TAX

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 162.001. DEFINITIONS. In this chapter:

(1) "Coal" includes lignite.

(2) "Lignite" means coal commonly referred to as brown coal, of intermediate grade between peat and bituminous coal.

(3) "Use" includes storage for use in this state, but does not include:

(A) the use by a producer of coal who owns the coal in place and who produces the coal for the producer's own use; or

(B) the storage for use or shipment out of this state.

[Sections 162.002-162.020 reserved for expansion]

#### SUBCHAPTER B. IMPOSITION AND COLLECTION OF TAX

Sec. 162.021. TAX IMPOSED. (a) A tax is imposed on the purchase in this state of coal for use in this state.

(b) A tax is imposed on the use of coal in this state.

Sec. 162.022. RATE OF TAX. The rate of the taxes imposed by this chapter is 15 percent of the total price paid for the coal, without regard to where the purchase occurs, delivered at the site at which the coal will be used, including transportation costs to that site.

Sec. 162.023. USE TAX DEDUCTION. A person may deduct from the amount of tax otherwise imposed by Section 162.021(b) the amount of tax reported and paid under Section 162.021(a).

Sec. 162.024. PAYMENT OF TAX. On or before the 25th day of each month, each person on whom a tax is imposed by this chapter shall send to the comptroller the amount of tax due under this chapter for the preceding month.

Sec. 162.025. REPORTS. On or before the 25th day of each month, each person on whom a tax is imposed by this chapter shall file with the comptroller a report stating:

(1) the amount of coal purchased by the person for use in this state and used in this state during the preceding month;

(2) the total price of that coal; and

(3) any other information required by the comptroller.

Sec. 162.026. RECORDS. A person on whom a tax is imposed by this chapter shall keep a complete record of:

(1) the amount of coal purchased by the person for use in this state;

(2) the use of coal in this state by the person; and

(3) any other information required by the comptroller.

[Sections 162.027-162.050 reserved for expansion]

#### SUBCHAPTER C. PENALTIES AND OFFENSES

Sec. 162.051. INTEREST ON DELINQUENT TAX. A tax imposed by this chapter that is delinquent draws interest as provided by Section 111.060.

Sec. 162.052. PENALTY. (a) A person on whom a tax is imposed by this chapter and who fails to file a report as required by this chapter or does not pay the tax when it is due forfeits to the state a penalty of 12 percent of the amount of tax delinquent.

(b) If a report required by this chapter is not filed or a tax imposed by this chapter is not paid within 30 days after it is due, the person on whom the tax is imposed forfeits to the state a penalty of an additional 12 percent of the amount of tax delinquent.

(c) The minimum penalty under this section is \$1.

Sec. 162.053. CRIMINAL PENALTY. (a) A person who violates this chapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

[Sections 162.054 -162.070 reserved for expansion]

SUBCHAPTER D. ALLOCATION AND USE

Sec. 162.071. ALLOCATION OF TAX REVENUE. All of the revenue from the tax imposed by this chapter shall be deposited to the credit of the foundation school fund."

(2) Insert a new SECTION 6 to read as follows and renumber subsequent SECTIONS accordingly:

"SECTION 6. Section 201.001, Tax Code, is amended to read as follows:

Sec. 201.001. In this chapter:

(1) "Casinghead gas" means gas or vapor indigenous to an oil stratum and produced from the stratum with oil.

(2) "Commission approved co-production project" means a reservoir development project in which the commission has recognized that water withdrawals from an oil or gas reservoir in excess of specified minimum volumes will result in recovery of additional oil and/or gas from the reservoir that would not be produced by conventional production methods and where operators of wells completed in the reservoir have begun to implement commission requirements to withdraw such volumes of water and dispose of such water outside the subject reservoir. Reservoirs potentially eligible for this designation shall be limited to those reservoirs in which oil and/or gas has been bypassed by water encroachment caused by production from the reservoir and such bypassed oil and/or gas may be produced as a result of reservoir-wide high-volume water withdrawals of natural formation water.

(3) "Co-production" means the permanent removal of water from an oil and/or gas reservoir in an effort to lower the gas-water contact or oil-water contact in the reservoir or to reduce reservoir pressure to recover entrained hydrocarbons from the reservoir that would not be produced by conventional primary or secondary production methods.

(4) "Condensate" means liquid hydrocarbon that is or can be recovered from gas by a separator, but does not include liquid hydrocarbon recovered from gas by refrigeration or absorption and separated by a fractionating process.

(4) [~~3~~] "First purchaser" means a person who purchases gas from a producer.

(5) [~~4~~] "Gas" means natural gas, casinghead gas, or other gas taken from the earth or water, whether produced from a gas well or a well also producing oil, distillate or condensate or both, or other products.

(6) "High-cost gas" means:

(A) high-cost natural gas as described by Section 107, Natural Gas Policy Act of 1978 (15 U.S.C. Section 3317), as that section exists on January 1, 1989, without regard to whether that section is in effect or whether a determination has been made that the gas is high-cost natural gas for purposes of that Act; or

(B) all gas produced from oil wells or gas wells within a commission approved co-production project.

(7) [(5)] "Producer" means a person who takes gas from the earth or water, a person who owns, controls, manages, or leases a gas well, or a person who owns an interest, including a royalty interest, in gas or its value, whether the gas is produced by the person owning the interest or by another on his behalf by lease, contract, or other arrangement.

(8) [(6)] "Production" or "gas produced" means the gross amount of gas taken from the earth or water as determined by meter readings that show 100 percent of the gas taken expressed in cubic feet.

(9) [(7)] "Royalty interest" means an interest in mineral rights in a producing leasehold in the state, but does not include the interest of the person having the management and operation of a well.

(10) [(8)] "Sour gas" means gas with more than 1-1/2 grains of hydrogen sulfide per 100 cubic feet or more than 30 grains of sulphur per 100 cubic feet.

(11) [(9)] "Subsequent purchaser" means a person who purchases gas from a person other than the producer of the gas.

(12) [(10)] "Sweet gas" means gas other than sour gas or casinghead gas."

(3) Insert a new SECTION 7 to read as follows and renumber subsequent SECTIONS accordingly:

"SECTION 7. Sec. 201.057, Tax Code, is repealed."

(4) Insert a new SECTION 8 to read as follows and renumber subsequent sections accordingly:

"SECTION 8. Sec. 201.058(a), Tax Code, is amended to read as follows:

(a) The exemptions described by Sections 202.056 [~~202.057~~] and 202.059 apply to the taxes imposed by this chapter as authorized by and subject to the certifications and approvals required by those sections."

(5) Insert a new SECTION 9 to read as follows and renumber subsequent SECTIONS accordingly:

"SECTION 9. Sec. 201.404, Tax Code, is amended to read as follows:

Sec. 201.404. ALLOCATION OF REVENUE. (a) Except as provided by Subsection (b) of this section, after [~~After~~] deducting the amount required to be deposited by Section 201.403 of this code, the comptroller shall deposit one-fourth of the revenue collected from the tax imposed by this chapter to the credit of the foundation school fund and three-fourths to the general revenue fund.

(b) The comptroller shall deposit all revenue collected from the tax imposed by this chapter on high-cost gas to the credit of the foundation school fund."

(6) Insert a new SECTION 10 to read as follows and renumber subsequent SECTIONS accordingly:

"SECTION 10. Subtitle E, Title 2, Tax Code, is amended by adding Chapter 163 to read as follows;

CHAPTER 163. ENERGY EFFICIENCY TAX

CHAPTER A. GENERAL PROVISIONS

Sec. 163.001. DEFINITIONS. In this chapter:

(1) "Retail consumer" has the meaning assigned by Sec. 31.002(16), Utilities Code.

(Sections 163.002-163.020 reserved for expansion)

#### SUBCHAPTER B. IMPOSITION AND COLLECTION OF TAX

Sec. 163.021. TAX IMPOSED. A tax is imposed on the use of electricity generated by a utility using any process that results in the emission of the nitrogen oxide.

Sec. 163.002. RATE OF TAX. The rate of the tax imposed by this chapter is 60 cents per pound of nitrogen oxide emitted by the generation of a megawatt hour of electricity multiplied by the total megawatt hours of electricity generated by the utility.

Sec. 163.003. COLLECTION OF TAX. A utility that makes a sale to a retail customer of electricity generated by any process resulting in the emission of nitrogen oxide shall collect the retail customer's proportionate share of the tax imposed by this chapter.

(b) The retail customer's proportionate share is the product of the utility's total tax liability per megawatt hour divided by the retail customer's actual use of megawatt hours of electricity provided by the utility.

Sec. 163.004. PAYMENT OF TAX. On or before the 25th day of each month, each utility generating electricity on which a tax is imposed by this chapter shall send to the comptroller the amount of tax due under this chapter for the preceding month.

Sec. 163.025. REPORTS. On or before the 25th day of each month, each utility generating electricity on which a tax is imposed by this chapter shall file with the comptroller a report stating:

(1) the number of pounds of nitrogen oxide emitted per megawatt hour of electricity generation during the preceding month;

(2) the total megawatt hours of electricity generated by the utility; and

(3) any other information required by the comptroller.

Sec. 163.026. RECORDS. A person on whom a tax is imposed by this chapter shall keep a complete record of:

(1) the number of pounds of nitrogen oxide emitted per megawatt hour of electricity generation during the preceding month;

(2) the total megawatt hours of electricity generated by the utility; and

(3) any other information required by the comptroller.

[Sections 163.027-163.050 reserved for expansion]

#### SUBCHAPTER C. PENALTIES AND OFFENSES

Sec. 163.051. INTEREST ON DELINQUENT TAX. A tax imposed by this chapter that is delinquent draws interest as provided by Section 111.060.

Sec. 163.052. PENALTY. (a) An utility generating electricity on which a tax is imposed by this chapter and who fails to file a report as required by this chapter or does not pay the tax when it is due forfeits to the state a penalty of 12 percent of the amount of tax delinquent.

(b) If a report required by this chapter is not filed or a tax imposed by this chapter is not paid within 30 days after it is due, the utility generating electricity on which the tax is imposed forfeits to the state a penalty of an additional 12 percent of the amount of tax delinquent.

(c) The minimum penalty under this section is \$1.

Sec. 163.053. CRIMINAL PENALTY. (a) An utility generating electricity on which a tax is imposed by the chapter who violates this chapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

[Sections 163.054-163.070 reserved for expansion]

SUBCHAPTER D. ALLOCATION AND USE

Sec. 163.071. ALLOCATION OF TAX REVENUE. All of the revenue from the tax imposed by this chapter shall be deposited to the credit of the foundation school fund."

Representative Grusendorf moved to table Amendment No. 13.

The motion to table prevailed. (Hughes recorded voting yes)

**REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was taken up at this time.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**CSHB 5 - (consideration continued)**

**Amendment No. 14**

Representative Dunnam offered the following amendment to **CSHB 5**:

Amend **CSHB 5** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS to read as follows:

Sec. \_\_\_\_\_. APPLICABILITY OF FRANCHISE TAX. (a) This section applies only to an entity that is not defined as a corporation by Section 171.001(b) (3), Tax Code, but:

- (1) that is operated for profit;
- (2) that is operating, organized, or registered under the laws of this state in a manner that provides liability limitations for a person who holds an ownership interest in the entity, including a partner's interest in a partnership; and
- (3) in which any ownership interest is held by an entity other than a natural person, without regard to whether the person that is not a natural person is located in this state or is in any other manner doing business in this state,

(b) An entity to which this section applies is subject to the franchise tax under Chapter 171, Tax Code, in the manner provided by this section.

(c) The net taxable capital of the entity is computed by:

(1) adding the entity's capital accounts, undistributed profits, and surplus to determine the entity's taxable capital;

(2) apportioning the entity's taxable capital to this state as provided by Section 171.106, Tax Code, to determine the entity's apportioned taxable capital; and

(3) subtracting from the amount computed under Subdivision (2) of this subsection any other allowable deductions to determine the entity's net taxable capital.

(d) For purposes of Subsection (c) (1) of this section, an amount that belongs to or is included in the entity's capital accounts, undistributed profits, or surplus is excluded if the amount has been added once under that subsection in determining the entity's taxable capital.

(e) The net taxable earned surplus of the entity is determined as provided by Section 171.110, Tax Code, if the entity is not a partnership. If the entity is a partnership, the net taxable earned surplus of the entity is computed by:

(1) determining the partnership's reportable federal taxable income and making the following adjustments:

(A) subtracting any taxable income of a partner who is a natural person;

(B) subtracting dividends received from a subsidiary, associate, or affiliated corporation that does not transact a substantial portion of its business or regularly maintain a substantial portion of its assets in the United States; and

(C) adding any compensation of each officer or director who owns 0.1 percent or more of the partnership, to the extent excluded in determining reportable federal taxable income;

(2) apportioning the partnership's taxable earned surplus to this state as provided by Section 171.106, Tax Code, to determine the partnership's apportioned taxable earned surplus;

(3) adding the partnership's taxable earned surplus allocated to this state as provided by Section 171.1061, Tax Code; and

(4) subtracting from that amount any allowable deductions and any business loss that is carried forward to the tax reporting period and deductible under Subsection (f) of this section.

(f) For purposes of Subsection (e) (1) of this section:

(1) an amount may not be subtracted from reportable federal taxable income more than once; and

(2) an amount may not be added to reportable federal taxable income more than once.

(g) For purposes of this section, a business loss is any negative amount after apportionment and allocation. The business loss shall be carried forward to the year succeeding the loss year as a deduction to net taxable earned surplus, then successively to the succeeding four taxable years after the loss year or until the loss is exhausted, whichever occurs first, but for not more than five taxable years

after the loss year. Notwithstanding the preceding sentence, a business loss incurred before January 1, 2003, may not be used to reduce net taxable earned surplus.

(h) Notwithstanding any other provision of this section, to the extent that the net income of natural persons, including a person's share of partnership and unincorporated association income, may not be taxed as provided by Section 24, Article VIII, Texas Constitution, the income is not included in net taxable earned surplus and is not subject to the tax imposed under this Act.

(i) Subject to Subsection (j) of this section, the changes made by this section take effect for initial, annual, or final franchise tax reports originally due on or after January 1, 2004.

(j) For an entity becoming subject to the franchise tax under this section:

(1) income or losses occurring before January 1, 2003, may not be considered for purposes of the earned surplus component;

(2) for entities in existence on January 1, 2003, that would have been subject to the franchise tax had this Act been in effect on January 1, 2003, the first report due under this Act will be either a final report, if applicable, or an annual report due May 15, 2004; and

(3) for entities that would have become subject to the franchise tax after January 1, 2003, had this Act been in effect on January 1, 2003, the first report due under this Act will be an initial report or a final report, if applicable.

(k) The revenue from the franchise tax imposed by this section shall be deposited to the credit of the foundation school fund.

Representative Grusendorf moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 389): 87 Yeas, 50 Nays, 3 Present, not voting.

Yeas — Allen; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; West; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hartnett; Hochberg; Hodge; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.;

Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Hopson; Van Arsdale(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Baxter; Bonnen; Chavez; Eiland; Wilson.

**CSHB 5**, as amended, was passed to engrossment. (R. Cook and Kolkhorst recorded voting yes)

(Speaker in the chair)

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **CSHB 3015 ON SECOND READING**

**(by Morrison)**

**CSHB 3015**, A bill to be entitled An Act relating to the tuition charged to students of institutions of higher education and to student financial assistance funded by tuition.

**CSHB 3015** was read second time earlier today and was postponed until this time.

Representative Morrison moved to postpone consideration of **CSHB 3015** until 7:15 p.m. today.

The motion prevailed without objection.

### **MAJOR STATE CALENDAR**

**(consideration continued)**

#### **HB 2922 ON SECOND READING**

**(by Marchant)**

**HB 2922**, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.

**HB 2922** was passed to engrossment.

#### **HB 3506 ON SECOND READING**

**(by Marchant)**

**HB 3506**, A bill to be entitled An Act relating to renumbering or relettering certain provisions of enacted codes.

**HB 3506** was passed to engrossment.

**HB 3507 ON SECOND READING**  
**(by Marchant)**

**HB 3507**, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 77th Legislature to other Acts of that legislature.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Marchant offered the following committee amendment to **HB 3507**:

Amend **HB 3507** as follows:

(1) On page 194, between lines 10 and 11, insert the following new SECTION, appropriately numbered:

SECTION 10A.\_\_\_\_. (a) Section 1101.003(a), Insurance Code, is transferred to Subchapter G, Chapter 841, Insurance Code, redesignated as Section 841.303 and amended to more closely conform to the source law from which it was derived:

Sec. 841.303. ENTIRE CONTRACT. Each ~~[(a) A life insurance]~~ policy of insurance issued or delivered in this state by any life insurance company engaged in business in this state constitutes the entire contract between the parties, except that if the application is made a part of the contract, the policy and the application constitute the entire contract.

(b) Section 1101.003(b), Insurance Code, is redesignated as Section 1101.003, Insurance Code, and amended to read as follows:

Sec. 1101.003. ENTIRE CONTRACT. ~~[(b)]~~ A life insurance policy must provide that the policy or the policy and the application for the policy constitute the entire contract between the parties.

(c) The heading of Subchapter G, Chapter 841, Insurance Code, is amended to read as follows:

SUBCHAPTER G. ~~[PROHIBITIONS AND RESTRICTIONS ON]~~  
ISSUANCE OF POLICIES

(2) On page 196, between lines 1 and 2, insert the following new SECTION, appropriately numbered:

SECTION 10A.\_\_\_\_. Subchapter L, Chapter 843, Insurance Code, is amended to more closely conform to the source law from which Chapter 843 was derived by adding Section 843.409 to read as follows:

Sec. 843.409. EXAMINATION EXPENSES. A credit against the amount of premium taxes to be paid by a health maintenance organization in a taxable year may not be allowed on:

(1) an examination fee or expense paid to another state; or

(2) an examination expense:

(A) directly attributable to an examination of the books, records, accounts, or principal offices of a health maintenance organization located outside this state; or

(B) paid in a different taxable year.

(3) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

**HB 3507**, as amended, was passed to engrossment.

**HB 3508 ON SECOND READING**

**(by Marchant)**

**HB 3508**, A bill to be entitled An Act relating to the adoption of a nonsubstantive revision of local laws concerning special districts, including conforming amendments.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Marchant offered the following committee amendment to **HB 3508**:

Amend **HB 3508** by striking page 24, line 23, through page 25, line 2, and substituting:

Sec. 1002.251. DEPOSITORY. As soon as practicable after the creation election results favorably to the creation of the district, the board shall by resolution designate a bank within the county as the district's depository, and all funds of the district shall be secured in the manner provided for the security of county funds. Such depository shall serve for a period of two years and until a successor has been selected. (Acts 60th Leg., R.S., Ch. 120, Sec. 10.)

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Marchant offered the following amendment to **HB 3508**:

Amend **HB 3508** on page 473 at the end of line 11 by adding:

"This Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act."

Amendment No. 2 was adopted without objection.

**HB 3508**, as amended, was passed to engrossment.

**HB 3508 - PRINTING RULE SUSPENDED**

Representative Marchant moved to suspend House Rule 2, Section 1(a)(9) to permit **HB 3508** to be passed to third reading in the form of engrossed amendments in lieu of a full engrossment.

The motion prevailed without objection.

**HB 3508 - PRINTING RULE SUSPENDED**

Representative Marchant moved to suspend House Rule 2, Section 1(a)(9) to permit **HB 3508** to be sent to the senate in the form of engrossed amendments in lieu of a full engrossment.

The motion prevailed without objection.

**CSHB 1614 ON SECOND READING**  
**(by Truitt, Capelo, Zedler, et al.)**

**CSHB 1614**, A bill to be entitled An Act relating to the reporting of medical errors and the establishment of a patient safety program in hospitals, ambulatory surgical centers, and mental hospitals.

**CSHB 1614** was passed to engrossment.

**CSHB 2985 ON SECOND READING**  
**(by Capelo, Allen, Pitts, and Nixon)**

**CSHB 2985**, A bill to be entitled An Act relating to the establishment of an office of patient protection within the Health Professions Council.

**Amendment No. 1**

Representative Capelo offered the following amendment to **CSHB 2985**:

Amend **CSHB 2985** as follows:

(1) On page 2, line 5, strike "or".

(2) On page 2, between lines 5 and 6, insert:

"(4) an officer, employee, or paid consultant of a trade association for an entity regulated by the Texas Department of Insurance; or".

(3) On page 2, line 6, strike "(4)" and substitute "(5)".

(4) On page 3, line 11, between "agencies" and the semicolon, insert "on the request of an individual consumer".

(5) On page 3, line 27, between "agency" and the semicolon, insert ", unless the access would jeopardize an ongoing investigation".

(6) On page 4, strike lines 1 through 3 and substitute the following:

"(2) the public records of a licensing agency and the records of a licensing agency that are filed with the State Office of Administrative Hearings.".

(7) On page 4, line 24, between "§1" and the period, insert "for each year for which the license or registration is renewed".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Capelo offered the following amendment to **CSHB 2985**:

Amend **CSHB 2985** as follows:

(1) On page 1, between lines 8 and 9, insert the following:

"(1) "Consumers as a class" means two or more individuals whose complaints are of the same or a similar nature.".

(2) On page 1, line 9, strike "(1)" and substitute "(2)".

(3) On page 1, line 11, strike "(2)" and substitute "(3)".

Amendment No. 2 was adopted without objection.

**CSHB 2985**, as amended, was passed to engrossment.

**HB 1744 ON SECOND READING**  
**(by Delisi, Menendez, and Harper-Brown)**

**HB 1744**, A bill to be entitled An Act relating to prescription drug benefits under the group health benefit programs for certain governmental employees and retired employees.

**Amendment No. 1**

Representative Hopson offered the following amendment to **HB 1744**:

Amend **HB 1744** as follows:

(1) On page 1, line 7, strike "Section 1551.218" and substitute "Sections 1551.218 and 1551.219".

(2) On page 2, between lines 2 and 3, insert the following:

Sec. 1551.219. MAIL ORDER REQUIREMENT FOR PRESCRIPTION DRUG COVERAGE PROHIBITED. The board of trustees or a health benefit plan under this chapter that provides benefits for prescription drugs may not require a participant in the group benefits program to purchase a prescription drug through a mail order program. The board or health benefit plan may require that a participant who chooses to obtain a prescription drug through a retail pharmacy or other method other than by mail order pay a deductible, copayment, coinsurance, or other cost-sharing obligation to cover the additional cost of obtaining a prescription drug through that method rather than by mail order.

Amendment No. 1 was adopted without objection.

**HB 1744**, as amended, was passed to engrossment.

**CSHB 1840 ON SECOND READING**  
**(by Solomons, Raymond, et al.)**

**CSHB 1840**, A bill to be entitled An Act relating to a fee established and set by the State Securities Board.

**CSHB 1840** was passed to engrossment.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**HOUSE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 28 ON SECOND READING**  
**(by Pickett, Hamric, Krusee, Gutierrez, and Menendez)**

**HJR 28**, A joint resolution proposing a constitutional amendment providing for authorization of the borrowing of money on a short-term basis by a state transportation agency for transportation-related projects.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Pickett offered the following committee amendment to **HJR 28**:

Amend **HJR 28** on page 1, line 13, by striking "five" and substituting "two".  
Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Pickett offered the following amendment to **HJR 28**:

Amend **HJR 28** as follows:

- (1) On page 1, line 9, between, "to" and "borrow" insert "issue notes or".
- (2) On page 1, line 10, strike "the state treasury or any other" and substitute "any".
- (3) On page 1, strike lines 12-17 and substitute:
  - (b) Notes issued or a loan obtained under this section may not have a term of more than two years. The legislature may appropriate money dedicated by Sections 7-a and 7-b, Article VIII, of this constitution for the purpose of paying a debt created by the notes or loan.

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HJR 28**, as amended, was adopted by (Record 390): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Coleman; Edwards; Villarreal.

**CSHJR 54 ON SECOND READING**  
**(by King, Peña, E. Jones, Capelo, and Swinford)**

**CSHJR 54**, A joint resolution proposing a constitutional amendment providing that benefits in certain public retirement systems may not be reduced or impaired.

**Amendment No. 1**

Representative King offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** as follows:

(1) On page 1, line 12, after the period, strike "Benefits" and substitute "Income benefits".

(2) On page 1, lines 18-20, strike the last sentence of Subsection (h) and substitute "The obligation to not reduce or impair benefits is the joint responsibility of the active members of a retirement system and the state or the political subdivision or subdivisions that finance the retirement system. This subsection does not apply to a member of a retirement system who has not qualified to receive benefits under the requirements of the retirement system."

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Lewis offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** as follows:

(1) On page 1, line 6, strike "Subsection (h)" and insert "Subsections (h) and (i)".

(2) On page 1, between lines 20 and 21, insert the following:

(i) A political subdivision and a public retirement system described by Subsection (h) are exempt from the application of Subsection (h) if the political subdivision holds an election on the date in May, 2004, that political subdivisions are required to use for the election of their officers and the majority of the voters of the political subdivision voting at the election favor exempting the political subdivision and the public retirement system from the application of Subsection (h).

Amendment No. 2 was adopted without objection.

A record vote was requested.

**CSHJR 54**, as amended, was adopted by (Record 391): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee;

Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Coleman; Edwards; Farrar; Hartnett; McCall; McReynolds; Wilson.

### **HJR 49 ON SECOND READING**

**(by Callegari)**

**HJR 49**, A joint resolution proposing a constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

Representative Callegari moved to postpone consideration of **HJR 49** until 11 a.m. Friday, May 9.

The motion prevailed without objection.

### **HJR 51 ON SECOND READING**

**(by Flores)**

**HJR 51**, A joint resolution proposing a constitutional amendment to establish a two-year period for the redemption of a mineral interest sold for unpaid ad valorem taxes at a tax sale.

A record vote was requested.

**HJR 51** was adopted by (Record 392): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Edwards; Morrison; Smithee.

**CSHJR 68 ON SECOND READING**  
**(by Hupp, Hunter, Miller, Delisi, and Berman)**

**CSHJR 68**, A joint resolution proposing a constitutional amendment authorizing the Veterans' Land Board to make certain payments on revenue bonds and to use assets in certain funds to provide for veterans homes.

A record vote was requested.

**CSHJR 68** was adopted by (Record 393): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Alonzo; Smithee; Wilson.

**HJR 21 ON SECOND READING**  
**(by Hamric, Wohlgemuth, and Menendez)**

**HJR 21**, A joint resolution proposing a constitutional amendment to prohibit an increase in the total amount of school district ad valorem taxes that may be imposed on the residence homestead of a disabled person.

A record vote was requested.

**HJR 21** was adopted by (Record 394): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb;

Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Moreno, P.

Absent, Excused — Driver; Gallego; Keffer, J.; Oliveira.

Absent — Cook, R.; Noriega.

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

#### CSHB 3015 ON SECOND READING

(by Morrison and F. Brown)

**CSHB 3015**, A bill to be entitled An Act relating to the tuition charged to students of institutions of higher education and to student financial assistance funded by tuition.

**CSHB 3015** was read second time earlier today, postponed until after consideration of **CSHB 5**, and was again postponed until 7:15 p.m. today.

Amendment No. 9 was withdrawn.

#### Amendment No. 12

Representative Hilderbran offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

- (1) On page 1, line 22, following the underlined semicolon, insert "and".
- (2) On page 1, line 23, between "academic year" and the underlined comma, insert "and thereafter".
- (3) On page 1, line 24, strike "; and" and substitute ":".
- (4) On page 2, strike lines 1 through 5.
- (5) On page 2, at the end of line 16, add the following:

"This subsection does not authorize a governing board to set tuition in violation of a limitation provided by another provision of this chapter."

#### Amendment No. 13

Representative Morrison offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by Hilderbran to **CSHB 3015** by striking page 1, lines 2-7, and substituting the following:

- (1) On page 1, line 24, strike "and".
- (2) On page 2, line 2, strike "and thereafter".
- (3) On page 2, line 5, strike the underlined period and substitute "; and".
- (4) On page 2, between lines 5 and 6, insert the following:

"(4) unless otherwise expressly provided by this code, for the 2006-2007 academic year and thereafter, an amount the governing board considers necessary, and charged under the terms the governing board considers appropriate, for the effective operation of the institution, not to exceed the amount the institution charged in the 2005-2006 academic year for a resident undergraduate student in the same degree program."

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Flynn.

### **CSHB 3015 - (consideration continued)**

Representative Turner moved to table Amendment No. 13.

The motion to table was lost.

A record vote was requested.

Amendment No. 13 was adopted by (Record 395): 79 Yeas, 56 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hunter; Hupp; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; Menendez; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wilson; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Bonnen; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, J.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Hughes; Laney; Lewis; Luna; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Raymond; Reyna; Ritter; Rodriguez; Solis; Solomons; Telford; Thompson; Turner; Uresti.

Absent, Excused — Driver; Gallego; Isett; Keffer, J.; Oliveira.

Absent — Branch; Eiland; Grusendorf; Hilderbran; Jones, D.; Mercer; Quintanilla; Riddle; Wise.

**STATEMENT OF VOTE**

When Record No. 395 was taken, my vote failed to register. I would have voted no.

Hilderbran

Amendment No. 12, as amended, was adopted without objection.

**Amendment No. 14**

Representatives Homer and Farabee offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 1, line 17, between "Subsection (a)" and the underlined comma, insert "and subject to Subsection (h)".

(2) On page 3, between lines 9 and 10, insert the following:

(h) The governing board of an institution of higher education may charge an additional amount designated as tuition under Subsection (b) or (c) only for a semester or term that begins:

(1) in a state fiscal year for which the comptroller has certified under Section 49a, Article III, Texas Constitution, that the probable receipts to the Treasury are less than probable expenditures; or

(2) in a state fiscal biennium for which the estimate of anticipated revenues for that biennium prepared by the comptroller pursuant to Section 49a, Article III, Texas Constitution, was less than the revenues that were estimated at the same time by the comptroller to be available for the preceding biennium.

Amendment No. 14 was withdrawn.

**Amendment No. 15**

Representative Rodriguez offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 1, line 22, following the underlined semicolon, insert "and".

(2) On page 1, line 23, between "academic year" and the underlined comma, insert "and thereafter".

(3) On page 1, line 24, strike "; and" and substitute ".".

(4) On page 2, strike lines 1 through 5.

(5) On page 2, at the end of line 16, add the following:

"This subsection does not authorize a governing board to set tuition at a rate in violation of a limitation provided by another provision of this chapter.

Amendment No. 15 was withdrawn.

**Amendment No. 16**

Representative Solomons offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** by striking SECTIONS 5 and 6 of the bill and renumbering the remaining SECTIONS accordingly.

Representative Morrison moved to table Amendment No. 16.

A record vote was requested.

The motion to table was lost by (Record 396): 52 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Denny; Flynn; Geren; Goolsby; Griggs; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Jones, E.; King; Kolkhorst; Krusee; Menendez; Mercer; Morrison; Mowery; Nixon; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Stick; Talton; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Ellis; Farabee; Farrar; Flores; Garza; Gattis; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Keel; Keffer, B.; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solis; Solomons; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Gallego; Isett; Keffer, J.; Oliveira.

Absent — Eiland; Eissler; Grusendorf; Hamric; Marchant; McCall.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 396. I intended to vote no.

Campbell

I was shown voting yes on Record No. 396. I intended to vote no.

Hegar

Amendment No. 16 was adopted without objection.

### Amendment No. 17

Representatives Keel, Bonnen, and Rose offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 2, between lines 16 and 17, insert the following:

(e) Notwithstanding the other provisions of this section, the governing board of an institution of higher education may not charge a nonresident student tuition under this section in an amount that exceeds an amount computed by multiplying the tuition charged to a similarly situated resident student under this section in the same academic year by a fraction, the numerator of which is the tuition that would have been charged to a similarly situated nonresident student in the

2002-2003 academic year and the denominator of which is the tuition that would have been charged to a similarly situated resident student in the 2002-2003 academic year. For purposes of this subsection, a student is similarly situated to the nonresident student for whom the maximum tuition is being computed if the factors affecting the tuition that would be charged to those students, other than Texas residency status, are the same, including the degree program in which the students are enrolled, whether the students are enrolled in a regular semester or summer term, and the course load for which the students are enrolled.

(2) Beginning on page 2, line 17, reletter the other subsections of amended Section 54.0513, Education Code, accordingly.

Amendment No. 17 was adopted without objection.

#### **Amendment No. 18**

Representative Castro offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** as follows:

(1) On page 3, line 21, strike "15 percent" and substitute "25 percent".

(2) On page 4, line 12, strike "three percent" and substitute "five percent".

#### **Amendment No. 19**

Representative Castro offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 by Castro to **CSHB 3015** by striking the text of the amendment and substituting the following:

Amend **CSHB 3015** on page 4, line 12, by striking "three percent" and substituting "five percent".

Amendment No. 19 was adopted without objection.

Representative Morrison moved to table Amendment No. 18.

The motion to table prevailed.

#### **Amendment No. 20**

Representative Villarreal offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 5, between lines 3 and 4, by adding the following:

Sec. 56.013. INFORMATION REGARDING FINANCIAL ASSISTANCE FUNDED FROM DESIGNATED TUITION. The Texas Higher Education Coordinating Board shall disseminate to each public or accredited private high school in this state information regarding the financial assistance available under this subchapter and shall include information designed to educate high school students and the parents of those students on available opportunities and required preparation with respect to institutions of higher education. The coordinating board shall recommend a method of delivery of the information to parents and students under this section.

Amendment No. 20 was adopted without objection.

**Amendment No. 21**

Representative Miller offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 2, between lines 5 and 6, by adding a new Subsection (b-1) to read as follows:

(b-1) The maximum amounts of tuition permitted by Subsection (b) are in addition only to the tuition amounts authorized by Subsection (a). A governing board of an institution of higher education may not increase the maximum amount of tuition by combining or aggregating the additional amounts permitted by Subsections (b)(1) and (b)(2).

Amendment No. 21 was adopted without objection.

**Amendment No. 22**

Representative Wilson offered the following amendment to **CSHB 3015**:

Amend **CSHB 3015** on page 3 by inserting the following between lines 9 and 10:

(h) An institution of higher education may not charge an undergraduate student tuition under Subsection (b) or (c) in an academic year unless the institution applies the same admissions criteria to all freshman admissions to that academic year.

Amendment No. 22 was adopted without objection.

A record vote was requested.

**CSHB 3015**, as amended, was passed to engrossment by (Record 397): 81 Yeas, 58 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Eiland; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Menendez; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Pitts; Rose; Seaman; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Christian; Coleman; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hochberg; Hodge; Hopson; Hughes; Jones, D.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Smith, T.; Solis; Telford; Thompson; Turner; Uresti; Wise.

Absent, Excused — Driver; Gallego; Isett; Keffer, J.; Oliveira.

Absent — Dukes; Hilderbran; Homer; Jones, J.; Smith, W.

**STATEMENT OF VOTE**

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**SB 641 ON THIRD READING  
(Turner - House Sponsor)**

**SB 641**, A bill to be entitled An Act relating to presumptions for state land records.

Representative Turner moved to postpone consideration of **SB 641** until 11 a.m. Thursday, May 1.

The motion prevailed without objection.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**HB 1529 ON SECOND READING  
(by R. Cook)**

**HB 1529**, A bill to be entitled An Act relating to the inspection of wildlife resources and devices used to catch or hunt wildlife resources; providing a criminal penalty.

**Amendment No. 1**

Representative Keel offered the following amendment to **HB 1529**:

Amend **HB 1529** as follows:

(1) On page 2, line 17, strike "could reasonably be used" and substitute "is commonly used".

(2) On page 3, strike lines 5-8 and substitute the following:

SECTION 2. Section 62.029, Parks and Wildlife Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not apply to a private, noncommercial, family-owned cold storage or processing facility.

(3) On page 3, line 9, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 1 was adopted without objection.

**HB 1529**, as amended, was passed to engrossment. (Delisi and Hupp recorded voting no)

**CSHB 329 ON SECOND READING****(by Naishtat, Seaman, Raymond, Madden, Menendez, et al.)**

**CSHB 329**, A bill to be entitled An Act relating to the regulation of mold assessors and remediators, civil liability for mold remediation, and insurance coverage on mold claims; providing civil and administrative penalties.

**Amendment No. 1**

Representative Naishtat offered the following amendment to **CSHB 329**:

Amend **CSHB 329** as follows:

(1) On page 5, between lines 20 and 21, insert:

Sec. 1958.151. SCOPE OF WORK ANALYSIS. (a) A license holder who intends to perform mold assessment on a mold remediation project shall prepare a work analysis for the project. The license holder shall provide the analysis to the client before the mold remediation begins.

(b) The work analysis must specify:

(1) the rooms or areas where the work will be performed;

(2) the quantities of materials to be removed or cleaned at the project;

(3) the proposed methods for each type of remediation in each type of area in the project; and

(4) the proposed clearance criteria for each type of remediation in each type of area in the project.

Sec. 1958.152. REMEDIATION WORK PLAN. (a) A license holder who intends to perform mold remediation shall prepare a work plan providing instructions for the remediation efforts to be performed for the mold remediation project. The license holder shall provide the work plan to the client before the mold remediation begins.

(b) The license holder shall maintain a copy of the work plan at the job site where the remediation is being performed.

(2) Renumber the sections of Subchapter D, Chapter 1958, Occupations Code, as added by the bill, and correct cross-references accordingly.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Naishtat offered the following amendment to **CSHB 329**:

Amend **CSHB 329** as follows:

(1) On page 6, line 3, strike "the" and substitute "a mold assessment".

(2) On page 6, line 6, after the period, insert:

If the mold assessment license holder determines that the underlying cause of the mold has been remediated so that it is reasonably certain that the mold will not return from that remediated cause, the mold assessment license holder shall indicate on the certificate that the underlying cause of the mold has been remediated.

(3) On page 13, line 9, strike "; and" and substitute "that indicates that the underlying cause of the mold has been remediated; or".

(J. Keffer now present)

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Naishtat offered the following amendment to **CSHB 329**:

Amend **CSHB 329** as follows:

(1) On page 8, line 11, between "shall" and the colon, insert "take one or more of the following actions".

(2) On page 8, line 23, strike "a day".

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Seaman offered the following amendment to **CSHB 329**:

Amend **CSHB 329** as follows:

(1) On page 12, lines 10-11, strike "OR RATING".

(2) On page 12, line 11, strike "WATER OR".

(3) On page 12, strike lines 13-14 and substitute:

(1) "Insurer" means an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, farm mutual insurance company, Lloyd's plan, or other legal entity authorized to write residential property insurance in this state. The term includes an affiliate, as described by Section 823.003(a), if that affiliate is authorized to write and is writing residential property insurance in this state. The term does not include:

(A) an eligible surplus lines insurer regulated under Chapter 981;

(B) the Texas Windstorm Insurance Association under Article 21.49; or

(C) the FAIR Plan Association under Article 21.49A.

(4) Strike page 13, lines 1-2, and substitute "underwriting decision regarding a residential property insurance policy based on previous mold damage if:".

(5) On page 13, line 5, strike "water or".

(6) On page 13, line 6, between "the" and "claim", insert "property that is the subject of the".

(7) On page 13, strike lines 7-9 and substitute:

(3) a certificate of mold remediation has been issued to the property owner under Section 1958.151 that establishes that the underlying cause of the mold at the property has been remediated; or

(8) On page 13, line 11, between "adjustor" and "that", insert "who determined, based on the inspection,".

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Madden offered the following amendment to **CSHB 329**:

Amend **CSHB 329**, on page 2, by striking lines 14-16 and substituting:

(B) the diagnosis, repair, cleaning, or replacement of plumbing, heating, ventilation, air conditioning, electrical, or air duct systems or appliances;

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Madden offered the following amendment to **CSHB 329**:

Amend **CSHB 329** as follows:

(1) On page 4, strike lines 20 through 22 and substitute:

This exemption does not apply:

(1) if the managing agent or employee engages in the business of performing mold assessment or mold remediation for the public;

(2) if the mold remediation is performed in an area in which the mold contamination affects a total surface area of 25 contiguous square feet or more; or

(3) to a person who is exempt under Subsection (e).

(2) On page 4, between lines 26 and 27, insert:

(c) A person is not required to be licensed under this chapter to perform mold remediation in an area in which the mold contamination affects a total surface area for the project of less than 25 contiguous square feet.

(d) A person is not required to be licensed under this chapter to perform mold assessment or mold remediation in a one-family or two-family dwelling that the person constructed or improved if the person performs the mold assessment or mold remediation at the same time the person performs the construction or improvement or at the same time the person performs repair work on the construction or improvement. This exemption does not apply if:

(1) the person engages in the business of performing mold assessment or mold remediation for the public; or

(2) the mold remediation is performed in an area in which the mold contamination affects a total surface area of 25 contiguous square feet or more.

(e) An owner, or a managing agent or employee of an owner, is not required to be licensed under this chapter to perform mold assessment or mold remediation on a residential property owned by that person with fewer than 25 dwelling units. This exemption does not apply if the managing agent or employee engages in the business of performing mold assessment or mold remediation for the public.

(3) On page 7, strike lines 5 through 18, and renumber the subsequent sections of Subchapter D, Chapter 1958, Occupations Code, as added by the bill, accordingly.

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representative Madden offered the following amendment to **CSHB 329**:

Amend **CSHB 329** on page 4, between lines 26 and 27, by inserting:

(c) A person is not required to be licensed under this chapter to perform mold assessment or mold remediation in a one-family or two-family dwelling that the person constructed or improved if the person performs the mold assessment or

mold remediation at the same time the person performs the construction or improvement or at the same time the person performs repair work on the construction or improvement. This exemption does not apply if:

(1) the person engages in the business of performing mold assessment or mold remediation for the public; or

(2) the mold remediation is performed in an area in which the mold contamination affects a total surface area of 30 square feet or more.

Amendment No. 7 was adopted without objection.

**CSHB 329**, as amended, was passed to engrossment.

### **HB 471 ON SECOND READING**

**(by Pickett, Hamric, Krusee, Raymond, Gutierrez, et al.)**

**HB 471**, A bill to be entitled An Act relating to the borrowing of money by the Texas Department of Transportation.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Pickett offered the following committee amendment to **HB 471**:

Amend **HB 471** on page 1, line 12, by striking "five" and substituting "two".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Pickett offered the following amendment to **HB 471**:

Amend **HB 471** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 201, Transportation Code, is amended by adding Section 201.115 to read as follows:

Sec. 201.115. BORROWING MONEY. (a) The commission may borrow money from any source to carry out the functions of the department.

(b) A loan under this section may be in the form of an agreement, note, contract, or other form as determined by the commission and may contain any provisions the commission considers appropriate, except:

(1) the term of the loan may not exceed two years;

(2) the amount of the loan, combined with any amounts outstanding on other loans under this section, may not exceed the average monthly revenue deposited to the state highway fund for the 12 months preceding the month of the loan; and

(3) the loan may not create general obligation of the state and is payable only as authorized by legislative appropriation.

(c) If the commission borrows money by the issuance of notes, the notes shall be issued in accordance with the requirements of Subchapter N, except that the maturity limitations in Subsection (b) supersede the maturity limitations in Section 201.963.

(d) Notwithstanding Section 222.001, money in the state highway fund may be used to repay a loan under this section, if appropriated by the legislature for that purpose.

SECTION 2. Chapter 201, Transportation Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. HIGHWAY TAX AND REVENUE ANTICIPATION

NOTES

Sec. 201.961. DEFINITIONS. In this subchapter:

(1) "Committee" means the cash management committee described in Section 404.122, Government Code.

(2) "Credit agreement" has the meaning assigned by Section 1208.001, Government Code.

(3) "Notes" means tax and revenue anticipation notes issued under this subchapter. The term includes any obligation under a credit agreement.

Sec. 201.962. NOTES AUTHORIZED; COMMITTEE APPROVAL. (a) In anticipation of a temporary cash flow shortfall in the state highway fund during any fiscal year, the commission, subject to the approval of the committee, may issue, sell, and deliver tax and revenue anticipation notes on behalf of the state.

(b) Before issuing the notes, the commission shall submit to the committee a state highway fund cash flow shortfall forecast containing a detailed report of estimated revenue and expenditures. Based on the forecast, the committee may approve the issuance of notes in an amount not to exceed the maximum temporary cash flow shortfall forecast.

Sec. 201.963. ISSUANCE OF NOTES. (a) The commission, consistent with the committee's determination under Section 201.962, may issue, sell, and deliver the notes.

(b) Notes issued under this subchapter are not debts of the state and may be used only to make up a temporary shortfall in the state highway fund's cash flow. All notes must mature and be paid in full during the fiscal biennium in which they were issued.

(c) Except as otherwise provided by this subsection, the proceeds of the notes shall be deposited in a special fund in the state treasury known as the highway tax and revenue anticipation note fund. Notwithstanding any other provision of law, depository interest shall be credited to the fund. The department shall transfer the net proceeds from the fund to the state highway fund as necessary to pay authorized expenditures. The comptroller may invest funds in the highway tax and revenue anticipation note fund as authorized under Section 404.024, Government Code. Proceeds of a credit agreement may be deposited as provided by the order authorizing the credit agreement.

(d) The commission may exercise the powers granted to the governing body of an issuer in connection with the issuance of obligations under Chapter 1371, Government Code, to the extent not inconsistent with this subchapter. The notes are not subject to review by the Bond Review Board but are subject to review and approval by the attorney general as provided by Chapter 1371, Government Code. On request, the comptroller may assist the commission with the issuance of notes under this subchapter.

(e) The commission is an authorized issuer under Chapter 1201, Government Code, and that chapter applies to notes authorized by this subchapter.

(f) Amounts in the highway tax and revenue anticipation note fund may be pledged to secure the payment of the notes and performance of obligations under credit agreements relating to the notes and may be used to pay issuance costs and required rebates to the federal government.

Sec. 201.964. FUND TRANSFERS; INTEREST; PAYMENT OF NOTES.

(a) The department periodically shall transfer cash received in the state highway fund to the highway tax and revenue anticipation note fund to ensure the timely payment of the notes.

(b) On payment of all outstanding notes, rebates to the federal government, and costs of issuance, the department shall transfer to the state highway fund any amounts remaining in the highway tax and revenue anticipation note fund. If amounts credited to the highway tax and revenue anticipation note fund are insufficient to pay principal, any premium, interest, issuance costs, and any required rebate to the federal government, amounts in the state highway fund are available for appropriation by the legislature to make those payments.

SECTION 3. For the fiscal biennium beginning September 1, 2003, the Texas Department of Transportation is appropriated all money deposited in the highway tax and revenue anticipation note fund for the purposes specified in Subchapter N, Chapter 201, Transportation Code, as added by this Act, during that biennium. To the extent that money deposited into the highway tax and revenue anticipation note fund is insufficient to pay the principal of, any premium or interest on, or costs of issuance relating to the notes, and rebates to the federal government, the department is appropriated from the state highway fund the amounts necessary for the full repayment of all principal of, any premium or interest on, or costs of issuance relating to the notes, and rebates to the federal government.

SECTION 4. (a) Section 1 of this Act takes effect on the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, providing for authorization of the borrowing of money on a short-term basis by a state transportation agency for transportation-related projects takes effect. If that amendment is not approved by the voters, Section 1 of this Act has no effect.

(b) Sections 2 and 3 of this Act take effect September 1, 2003.

Amendment No. 2 was adopted without objection.

**HB 471**, as amended, was passed to engrossment.

**CSHB 565 ON SECOND READING**  
**(by Haggerty)**

**CSHB 565**, A bill to be entitled An Act relating to the punishments for the offenses of assault and aggravated assault committed against a security officer.

**CSHB 565** was passed to engrossment.

**HB 614 ON SECOND READING****(by Keel, Gallego, Ellis, Talton, Gattis, et al.)**

**HB 614**, A bill to be entitled An Act relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

**HB 614** was passed to engrossment. (Burnam recorded voting no)

**CSSB 1224 ON SECOND READING****(Keel - House Sponsor)**

**CSSB 1224**, A bill to be entitled An Act relating to the appointment of counsel for an indigent applicant for a writ of habeas corpus in a capital case.

**CSSB 1224** was considered in lieu of **HB 615**.

**CSSB 1224** was passed to third reading.

**HB 615 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Keel moved to lay **HB 615** on the table subject to call.

The motion prevailed without objection.

**CSHB 793 ON SECOND READING****(by Branch, Bohac, McClendon, Eissler, Kolkhorst, et al.)**

**CSHB 793**, A bill to be entitled An Act relating to pledges of allegiance to the United States and Texas flags and to observance of one minute of silence in public schools.

Representative Branch moved to postpone consideration of **CSHB 793** until 11 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 815 ON SECOND READING****(by Hupp, Miller, Campbell, B. Cook, et al.)**

**CSHB 815**, A bill to be entitled An Act relating to a landowner's taking of depredating feral hogs.

Representative Hupp moved to postpone consideration of **CSHB 815** until 2 p.m. Thursday, May 1.

The motion prevailed without objection.

**CSHB 1297 ON SECOND READING****(by Allen)**

**CSHB 1297**, A bill to be entitled An Act relating to limits on indemnification of state employees and officials.

**CSHB 1297** was passed to engrossment.

**HB 1391 ON SECOND READING****(by Hamric)**

**HB 1391**, A bill to be entitled An Act relating to the confidentiality of pleadings and protective order applications in certain proceedings in the Family Code.

**HB 1391** was passed to engrossment.

**CSHB 1406 ON SECOND READING****(by B. Brown, Hupp, Grusendorf, et al.)**

**CSHB 1406**, A bill to be entitled An Act relating to a recommendation by a school district employee concerning a use of a psychotropic drug by a student or psychiatric evaluation or examination of a student and to refusal by a parent or certain other person to consent to administration of a psychotropic drug to a student or to psychiatric evaluation or examination of a student.

**Amendment No. 1**

Representative Dawson offered the following amendment to **CSHB 1406**:

Amend **CSHB 1406** as follows:

On page 2 strike lines 6-11 and substitute the following:

(c) Subsection (b) does not:

(1) prevent an appropriate referral under the child find system required under Section 20 U.S.C. Section 1412, as amended;

(2) prohibit a school district employee who is a registered nurse, advanced practitioner nurse, or physician from recommending that a child be evaluated by an appropriate medical practitioner.

Amendment No. 1 was adopted without objection.

**CSHB 1406**, as amended, was passed to engrossment.

**SB 1603 ON SECOND READING****(Casteel - House Sponsor)**

**SB 1603**, A bill to be entitled An Act relating to charitable contributions by state employees to the General Land Office's Adopt-A-Map/Adopt-A-Document Program.

**SB 1603** was considered in lieu of **HB 1563**.

**SB 1603** was passed to third reading.

**HB 1563 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Casteel moved to lay **HB 1563** on the table subject to call.

The motion prevailed without objection.

**CSHB 1634 ON SECOND READING****(by Hilderbran and Denny)**

**CSHB 1634**, A bill to be entitled An Act relating to the ability of a court to maintain jurisdiction over a person placed on community supervision who absconds.

**CSHB 1634** was passed to engrossment.

**CSHB 1670 ON SECOND READING****(by Allen)**

**CSHB 1670**, A bill to be entitled An Act relating to medically recommended intensive supervision of certain inmates of the Texas Department of Criminal Justice.

**Amendment No. 1**

Representative Allen offered the following amendment to **CSHB 1670**:

Amend **CSHB 1670** on page 1 by striking lines 8-16 and substituting the following:

(a) An inmate, other than an inmate who is serving a sentence of death or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, ~~[serving a sentence for which parole eligibility is otherwise determined under Section 508.145(f)]~~ may be released ~~[become eligible for release]~~ on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e) ~~[that is earlier than the date computed under that section]~~ if:

Amendment No. 1 was adopted without objection.

**CSHB 1670**, as amended, was passed to engrossment.

**HB 1691 ON SECOND READING****(by Phillips)**

**HB 1691**, A bill to be entitled An Act relating to use of the compensatory education allotment to fund certain programs for students who have dyslexia or a related disorder.

**HB 1691** was passed to engrossment.

**HB 1723 ON SECOND READING****(by Geren and Zedler)**

**HB 1723**, A bill to be entitled An Act relating to the performance of asbestos surveys.

**Amendment No. 1**

Representative Geren offered the following amendment to **HB 1723**:

Amend **HB 1723** on page 1 by striking lines 6 through 12 and substituting the following:

Sec. 1954.260. DURATION OF ASBESTOS SURVEY. An asbestos survey performed for a public building as required by this chapter and any other law is valid if the survey was performed in compliance with the laws in effect at the time the survey was completed and the survey identifies any asbestos-containing building material, the location of that material, and any other asbestos condition in the building. Any renovation, construction, or other activity for which an asbestos survey is required shall be conducted without the requirement of obtaining a new asbestos survey.

Amendment No. 1 was adopted without objection.

**HB 1723**, as amended, was passed to engrossment.

**HB 1736 ON SECOND READING  
(by Turner and Naishtat)**

**HB 1736**, A bill to be entitled An Act relating to the review of the reimbursement methodology for and resource needs of nursing facilities.

**HB 1736** was passed to engrossment.

**HB 1749 ON SECOND READING  
(by Hupp)**

**HB 1749**, A bill to be entitled An Act relating to the security provided for revenue bonds issued by the Veterans' Land Board.

**HB 1749** was passed to engrossment.

**CSHB 2261 ON SECOND READING  
(by West)**

**CSHB 2261**, A bill to be entitled An Act relating to the composition of the Eighth and Eleventh courts of appeals districts.

**Amendment No. 1**

Representative West offered the following amendment to **CSHB 2261**:

Amend **CSHB 2261** as follows:

- (1) On page 1, line 8, strike "Andrews," and substitute "Andrews,".
- (2) On page 1, line 11, strike "Ward, and Winkler" and substitute "and Ward [~~and Winkler~~"]".
- (3) On page 1, line 13, between "of" and "Baylor", insert "Andrews,".
- (4) On page 1, line 16, strike "and" and substitute "and".
- (5) On page 1, line 17, between "Throckmorton" and the period, insert "and Winkler".

Amendment No. 1 was adopted without objection.

**CSHB 2261**, as amended, was passed to engrossment.

**SB 718 ON SECOND READING  
(McReynolds - House Sponsor)**

**SB 718**, A bill to be entitled An Act relating to the practice and regulatory environment for registered nurses and licensed vocational nurses.

**SB 718** was considered in lieu of **HB 2324**.

**Amendment No. 1**

Representative McReynolds offered the following amendment to **SB 718**:

Amend **SB 718** (Senate engrossment printing) as follows:

- (1) In SECTION 1 of the bill, strike added Section 301.1605(c), Occupations Code (page 1, line 16, through page 2, line 3), and substitute the following:

(c) In approving a pilot program, the board may grant the program an exception to the mandatory reporting requirements of Sections 301.401-301.409 or to a rule adopted under this chapter or Chapter 303 that relates to the practice of professional nursing, including education and reporting requirements for registered nurses. The board may not grant an exception to:

(1) the continuing education requirements of this chapter unless the program includes alternate but substantially equivalent requirements; or

(2) the mandatory reporting requirements unless the program:

(A) is designed to evaluate the efficiency of alternative reporting methods; and

(B) provides consumers adequate protection from registered nurses whose continued practice is a threat to public safety.

(2) In SECTION 5 of the bill, in amended Section 301.351(b), Occupations Code (page 5, line 7), strike "and".

(3) In SECTION 5 of the bill, in amended Section 301.351(b), Occupations Code (page 5, line 9), strike the period and substitute "½".

(4) In SECTION 5 of the bill, in amended Section 301.351(b), Occupations Code (page 5, between lines 9 and 10), insert:

(4) a picture of the nurse; or

(5) any other information authorized by the board.

(5) Strike the recital to SECTION 10 of the bill (page 7, lines 6-7), and substitute the following:

SECTION 10. Section 303.005, Occupations Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (h) to read as follows:

(6) After SECTION 10 of the bill, immediately following amended Section 303.005, Occupations Code (page 8, between lines 12 and 13), insert the following:

(h) A person is not required to provide a peer review determination under this section for a request made by:

(1) a registered nurse, unless the person regularly employs, hires, or otherwise contracts for the services of at least five registered nurses; or

(2) a licensed vocational nurse, unless the person regularly employs, hires, or otherwise contracts for the services of at least five licensed vocational nurses.

Amendment No. 1 was adopted without objection.

**SB 718**, as amended, was passed to third reading.

### **HB 2324 - LAID ON THE TABLE SUBJECT TO CALL**

Representative McReynolds moved to lay **HB 2324** on the table subject to call.

The motion prevailed without objection.

(Bonnen in the chair)

**CSHB 2328 ON SECOND READING****(by McReynolds, Christian, Homer, Hughes, Hardcastle, et al.)**

**CSHB 2328**, A bill to be entitled An Act relating to the registration of persons engaged in certain fowl operations; providing a criminal penalty.

**Amendment No. 1**

Representative McReynolds offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** as follows:

(1) On page 1, line 10, strike "commissioner" and substitute "commission".

(2) On page 2, strike lines 16 through 18 and substitute the following:

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

**CSHB 2328**, as amended, was passed to engrossment.

**CSHB 2445 ON SECOND READING****(by Hochberg, Grusendorf, et al.)**

**CSHB 2445**, A bill to be entitled An Act relating to contributions by a school district and certain charter schools to the Teacher Retirement System of Texas.

**CSHB 2445 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hochberg moved to lay **CSHB 2445** on the table subject to call.

The motion prevailed without objection.

**SB 857 ON SECOND READING****(Wohlgemuth - House Sponsor)**

**SB 857**, A bill to be entitled An Act relating to certain therapeutic optometrists' participation in a managed care plan.

**SB 857** was considered in lieu of **HB 1794**.

**SB 857** was passed to third reading.

**HB 1794 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Wohlgemuth moved to lay **HB 1794** on the table subject to call.

The motion prevailed without objection.

**CSHB 1808 ON SECOND READING**  
**(by Hill)**

**CSHB 1808**, A bill to be entitled An Act relating to the regulation of tow trucks and to the authority of a political subdivisions of this state to regulate tow trucks; providing penalties.

**Amendment No. 1**

Representative Hill offered the following amendment to **CSHB 1808**:

Amend **CSHB 1808** as follows:

1. On page 4, line 7 after the "." add the following:

Except as provided by this chapter or the Vehicle Storage Facility Act (Chapter 2303, Occupations Code), a fee may not be charged or collected without the prior written consent of the vehicle owner or operator.

2. On page 5, line 4 add a new Section 253.208 to read as follows:

Section 253.208 REQUIRED POSTING. All towing and storage fees shall be posted at the licensed vehicle storage facility in which the motor vehicle has been delivered and shall be posted in view of the person who claims the vehicle.

3. On page 6, line 13 add a new subsection (f) to read as follows:

(f) A peace officer may write a ticket for a violation under this section.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Hill offered the following amendment to **CSHB 1808**:

Amend **CSHB 1808** by making the following technical corrections:

On page 3, line 10 delete the number "5" and replace with the number "6" and renumber subsequent SECTIONS of the bill.

On page 4, line 24 delete "effective" and replace with "effect"

On page 6, line 7 delete the number "4" and replace with the number "5" and renumber subsequent subsections.

On page 7, line 10 delete "under this chapter" and replace with "by this code or by the Vehicle Storage Facility Act (Chapter 2303, Occupations Code)."

Amendment No. 2 was adopted without objection.

**CSHB 1808**, as amended, was passed to engrossment.

**CSHB 1877 ON SECOND READING**  
**(by Hardcastle, Christian, and Hughes)**

**CSHB 1877**, A bill to be entitled An Act relating to creating the rural physician relief program.

**Amendment No. 1**

Representative Hardcastle offered the following amendment to **CSHB 1877**:

Amend **CSHB 1877** as follows:

(1) On page 7, line 13, strike "area health care education centers" and substitute "Area Health Education Center Programs".

(2) On page 8, lines 21 and 22, strike "area health care education centers" and substitute "Area Health Education Center Programs".

Amendment No. 1 was adopted without objection.

**CSHB 1877**, as amended, was passed to engrossment.

**CSHB 1878 ON SECOND READING**  
**(by Dutton, Hodge, and Chavez)**

**CSHB 1878**, A bill to be entitled An Act relating to the establishment of paternity and the establishment and enforcement of child support and medical support for a child.

**Amendment No. 1**

Representative Rose offered the following amendment to **CSHB 1878**:

Amend **CSHB 1878** as follows:

(1) On page 7, strike lines 3 through 10 and substitute the following:

Sec. 160.633. HEARINGS; INSPECTION OF RECORDS. (a) A [~~On the request of a party and for good cause shown, the court may order a~~] proceeding under this subchapter is open [~~closed~~] to the public as in other civil cases.

(b) Papers [~~A final order in a proceeding under this subchapter is available for public inspection. Other papers~~] and records in a proceeding under this subchapter are available for public inspection [~~only with the consent of the parties or on order of the court for good cause~~].

(2) On page 12, after line 13, insert the following:

(d) The change in law made by this Act to Section 160.633, Family Code, applies to a suit affecting the parent-child relationship filed before, on, or after the effective date of this Act. A court order rendered before the effective date of this Act providing for the sealing of records in a proceeding is governed by the law in effect on the date the court order was rendered, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

**CSHB 1878**, as amended, was passed to engrossment.

**HB 1910 ON SECOND READING**  
**(by Talton)**

**HB 1910**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by a religious organization.

**HB 1910** was passed to engrossment.

**HB 2002 ON SECOND READING**  
**(by Dutton and Chavez)**

**HB 2002**, A bill to be entitled An Act relating to unexpended proceeds from the sale or license of treatment programs developed by the Texas Youth Commission.

**HB 2002** was passed to engrossment.

(Talton in the chair)

**SB 1057 ON SECOND READING**  
**(Keel - House Sponsor)**

**SB 1057**, A bill to be entitled An Act relating to the determination of incompetency in criminal cases.

**SB 1057** was considered in lieu of **HB 2014**.

**SB 1057** was passed to third reading.

**HB 2014 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Keel moved to lay **HB 2014** on the table subject to call.

The motion prevailed without objection.

**HB 2073 ON SECOND READING**  
**(by Hilderbran)**

**HB 2073**, A bill to be entitled An Act relating to the ad valorem tax rate of a hospital district created under general or special law.

**Amendment No. 1**

Representative Hilderbran offered the following amendment to **HB 2073**:

Amend **HB 2073** as follows:

(1) On page 3, strike lines 6 and 7 and substitute the following:

(i) An election under this subchapter shall be held on the first Tuesday after the first Monday in November.

(2) On page 3, between lines 7 and 8 insert:

Sec. 285.202. EXPIRATION. This subchapter expires September 1, 2008.

Amendment No. 1 was adopted without objection.

**HB 2073**, as amended, was passed to engrossment.

**CSHB 2130 ON SECOND READING**  
**(by Kuempel)**

**CSHB 2130**, A bill to be entitled An Act relating to the exemptions from requirements applicable to local permits.

Representative Elkins moved to postpone consideration of **CSHB 2130** until 11 a.m. tomorrow.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Regulated Industries, will not meet tonight.

**CSHB 2224 ON SECOND READING**  
**(by Dutton)**

**CSHB 2224**, A bill to be entitled An Act relating to open-enrollment charter schools.

Representative Dutton moved to postpone consideration of **CSHB 2224** until 1:00 p.m. tomorrow.

The motion prevailed without objection.

**CSHB 2240 ON SECOND READING**  
**(by Paxton)**

**CSHB 2240**, A bill to be entitled An Act relating to the management of certain trusts and the adoption of the Uniform Prudent Investor Act.

Representative Paxton moved to postpone consideration of **CSHB 2240** until the end of today's calendar.

The motion prevailed without objection.

**CSHB 2241 ON SECOND READING**  
**(by Paxton)**

**CSHB 2241**, A bill to be entitled An Act relating to adoption of the Uniform Principal and Income Act.

**CSHB 2241** was passed to engrossment.

**HB 2654 ON SECOND READING**  
**(by Farabee)**

**HB 2654**, A bill to be entitled An Act relating to clarification of certain exemptions from requirements of pipeline assessment and testing.

**HB 2654** was passed to engrossment.

**CSHB 2888 ON SECOND READING**  
**(by R. Cook)**

**CSHB 2888**, A bill to be entitled An Act relating to removing exemptions for certain wells and impounded water.

**CSHB 2888** was passed to engrossment.

**CSHB 1544 ON SECOND READING**  
**(by Bonnen, Flores, Mercer, and Hope)**

**CSHB 1544**, A bill to be entitled An Act relating to a pilot project to allow select public junior colleges to offer certain baccalaureate degrees.

**CSHB 1544** was passed to engrossment.

**CSHB 104 ON SECOND READING**  
**(by Chavez, Quintanilla, Mowery, Castro, Hill, et al.)**

**CSHB 104**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes.

**CSHB 104** was passed to engrossment.

**CSHB 311 ON SECOND READING**  
**(by Villarreal)**

**CSHB 311**, A bill to be entitled An Act relating to the regulation of licensed vocational nurses.

**Amendment No. 1**

Representative Villarreal offered the following amendment to **CSHB 311**:

Amend **CSHB 311** as follows:

(1) On page 3, strike line 7 and substitute the following:

SECTION 4. Section 302.151, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c)

(2) On page 3, between lines 18 and 19, insert the following:

(c) Rules adopted by the board related to the scope of the practice of vocational nursing must be consistent with this chapter and other law.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Villarreal offered the following amendment to **CSHB 311**:

Amend **CSHB 311** as follows:

(1) Strike the recital to SECTION 16 of the bill (page 11, lines 12-13), and substitute the following:

SECTION 16. Section 303.005, Occupations Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (h) to read as follows:

(2) After SECTION 16 of the bill, immediately following amended Section 303.005, Occupations Code (page 12, between lines 14 and 15), insert the following:

(h) A person is not required to provide a peer review determination under this section for a request made by:

(1) a registered nurse, unless the person regularly employs, hires, or otherwise contracts for the services of at least five registered nurses; or

(2) a licensed vocational nurse, unless the person regularly employs, hires, or otherwise contracts for the services of at least five licensed vocational nurses.

Amendment No. 2 was adopted without objection.

**CSHB 311**, as amended, was passed to engrossment.

**HB 424 ON SECOND READING**  
**(by Christian)**

**HB 424**, A bill to be entitled An Act relating to the appointment of a tenant representative as a commissioner of a municipal housing authority.

**Amendment No. 1**

Representative Christian offered the following amendment to **HB 424**:

Amend **HB 424** as follows:

(1) On page 1, strike lines 5-6 and substitute the following:

SECTION 1. Section 392.0331, Local Government Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(2) On page 1, line 9, strike "units is more than 300" and substitute "public housing units is 300 or more".

(3) On page 1, lines 11-12, between "of" and "units", insert "public housing".

(4) On page 1, between lines 12 and 13, insert the following:

(j) In this section, "public housing unit" is a dwelling unit for which the owner receives a public housing operating subsidy from the United States Department of Housing and Urban Development. The term does not include a unit for which payments are made to the landlord under the federal Section 8 Housing Choice Voucher Program.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Naishtat offered the following amendment to **HB 424**:

Amend **HB 424** as follows:

(1) On page 1, strike lines 5-6 and substitute the following:

SECTION 1. Section 392.0331, Local Government Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(2) On page 1, line 9, strike "more than 300" and substitute "300 or more, except as provided by Section 392.0332".

(3) On page 1, between lines 12 and 13, insert the following:

(j) On an annual basis in a manner prescribed by the department, a housing authority shall provide the Texas Department of Housing and Community Affairs with written notice regarding whether a tenant resident serves as a commissioner of the authority and, if applicable, the name and mailing address of that resident.

SECTION \_\_\_\_\_. Subchapter C, Chapter 392, Local Government Code, is amended by adding Section 392.0332 to read as follows:

Sec. 392.0332. TENANT COMMISSIONER REQUIREMENT FOR SMALL MUNICIPAL HOUSING AUTHORITIES. (a) In this section, "small municipal housing authority" means a municipal housing authority that has fewer than 300 housing units under its jurisdiction. The term includes an authority with no housing units that administers only Section 8 housing assistance provided under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f), as amended.

(b) Section 392.0331 applies to a municipality with respect to a small municipal housing authority unless the municipality, acting through the housing authority:

(1) makes a reasonable effort to recruit eligible tenants to serve as commissioners of the authority, including notifying the authority's resident advisory board of the opportunity for eligible tenants to serve as commissioners of the authority;

(2) does not receive any positive tenant response on or before the 30th day following the date that notice is provided to the resident advisory board under Subdivision (1);

(3) repeats the requirements of Subdivisions (1) and (2) at least annually; and

(4) provides the Texas Department of Housing and Community Affairs with the annual notice required by Section 392.0331(j).

SECTION \_\_\_\_\_. The change in law made by this Act in amending Section 392.0331, Local Government Code, and in adding Section 392.0332, Local Government Code, does not affect the ability of a commissioner of a housing authority serving on the effective date of this Act to continue to serve the remainder of the term to which the member is appointed before that date. As the terms of commissioners of the housing authority expire or as a vacancy is created in a commissioner's position, the presiding officer of the municipality shall appoint the tenant member or members required by Section 392.0331, Local Government Code, as amended by this Act.

(4) Renumber existing SECTIONS accordingly.

Amendment No. 2 was adopted without objection.

**HB 424**, as amended, was passed to engrossment.

**CSHB 524 ON SECOND READING**  
**(by Eiland)**

**CSHB 524**, A bill to be entitled An Act relating to the use of the Galveston-Port Bolivar ferry operated by the Texas Department of Transportation.

Representative Eiland moved to postpone consideration of **CSHB 524** until 11 a.m. tomorrow.

The motion prevailed without objection.

**CSHB 577 ON SECOND READING**  
**(by King)**

**CSHB 577**, A bill to be entitled An Act relating to the service area of the Weatherford College District.

Representative King moved to postpone consideration of **CSHB 577** until 11 a.m. Monday, May 5.

The motion prevailed without objection.

**CSHB 859 ON SECOND READING**  
**(by Madden, Grusendorf, Eissler, et al.)**

**CSHB 859**, A bill to be entitled An Act relating to home-rule school districts.

Representative Madden moved to postpone consideration of **CSHB 859** until 2 p.m. Thursday, May 1.

The motion prevailed without objection.

**CSHB 1009 ON SECOND READING**  
**(by Hardcastle, Christian, J. Keffer, Flores, Guillen, et al.)**

**CSHB 1009**, A bill to be entitled An Act relating to the acquisition and regulation of manufactured homes.

Representative Hardcastle moved to postpone consideration of **CSHB 1009** until 10 a.m. Thursday, May 1.

The motion prevailed without objection.

**HB 1112 ON SECOND READING**  
**(by Crownover, et al.)**

**HB 1112**, A bill to be entitled An Act relating to returning a public school teacher to probationary contract status.

**HB 1112** was passed to engrossment. (Casteel, D. Jones, Keel, Phillips, and Telford recorded voting no)

**HB 1247 ON SECOND READING**  
**(by Ritter, Menendez, Mercer, Capelo, and Chavez)**

**HB 1247**, A bill to be entitled An Act relating to the creation, funding, and operation of a fire fighter and police officer home loan program.

**HB 1247** was passed to engrossment.

**HB 1444 ON SECOND READING**  
**(by Krusee and Zedler)**

**HB 1444**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of motor vehicles leased for noncommercial use.

**HB 1444** was passed to engrossment. (D. Jones recorded voting no)

**HB 1537 ON SECOND READING**  
**(by Dukes, Thompson, Chavez, and Morrison)**

**HB 1537**, A bill to be entitled An Act relating to a fee for statues of Barbara Jordan and Cesar Chavez and related scholarships at The University of Texas at Austin.

**HB 1537** was passed to engrossment. (Howard recorded voting no)

**HB 1609 ON SECOND READING**  
**(by Riddle)**

**HB 1609**, A bill to be entitled An Act relating to administration of certain oaths by an employee of a personal bond office.

**HB 1609** was passed to engrossment.

**CSHB 1817 ON SECOND READING**  
**(by Ritter)**

**CSHB 1817**, A bill to be entitled An Act relating to student fees at institutions in the Texas State University System.

**CSHB 1817** was passed to engrossment.

**CSHB 1837 ON SECOND READING**  
**(by Baxter)**

**CSHB 1837**, A bill to be entitled An Act relating to federal approval of land for habitat conservation.

**CSHB 1837 - POINT OF ORDER**

Representative Dukes raised a point of order against further consideration of **CSHB 1837** under Rule 8, Section 10(b) of the House Rules on the grounds that the bill limits its application to one or more subdivisions by means of an artificial device rather than identifying the political subdivision or subdivisions by name.

The chair sustained the point of order.

The ruling precluded further consideration of **CSHB 1837**.

**HB 2038 ON SECOND READING**  
**(by Lewis)**

**HB 2038**, A bill to be entitled An Act relating to entrance examinations for beginning positions in the fire and police departments of certain municipalities.

**HB 2038** was passed to engrossment.

**HB 2053 ON SECOND READING**  
**(by W. Smith)**

**HB 2053**, A bill to be entitled An Act relating to group health and related benefits provided by populous counties.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Chisum offered the following committee amendment to **HB 2053**:

**HB 2053** is amended as follows:

1. Strike Section 1, Section 2, and Section 3 of the bill and renumber the following sections accordingly.

2. Amend Section 4 of the bill as follows:

(a) Strike the words "IN POPULOUS COUNTIES" on lines 23-24 of page 1.

(b) Strike Sec. 157.101 on lines 1-2 of page 2 and renumber all following sections accordingly.

(c) Strike the words "IN POPULOUS COUNTIES" on lines 3-4 of page 2.

(d) Add the words "including through an intergovernmental risk pool organized under Chapter 172, Local Government Code" after the word "rule" on line 4 of page 2.

(e) Add the words "or an intergovernmental risk pool organized under Chapter 172, Local Government Code" after the word "Insurance" on line 20 of page 3.

Amendment No. 1 was adopted without objection.

**HB 2053**, as amended, was passed to engrossment.

(Speaker in the chair)

**CSHB 2083 ON SECOND READING**  
**(by Campbell)**

**CSHB 2083**, A bill to be entitled An Act relating to the qualifications of a municipal judge.

Representative Campbell moved to postpone consideration of **CSHB 2083** until 2 p.m. tomorrow.

The motion prevailed without objection.

**CSHB 2352 ON SECOND READING**  
**(by Nixon and Mercer)**

**CSHB 2352**, A bill to be entitled An Act relating to the designation and obligations of a telecommunications provider of last resort and to the recovery of certain costs incurred in transitioning to a successor utility.

Representative Nixon moved to postpone consideration of **CSHB 2352** until 11 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2361 ON SECOND READING**  
**(by Bailey)**

**CSHB 2361**, A bill to be entitled An Act relating to the investigation of a firefighter or police officer in certain municipalities.

**CSHB 2361** was passed to engrossment.

**HB 2373 ON SECOND READING**  
**(by Phillips and Uresti)**

**HB 2373**, A bill to be entitled An Act relating to license fees for certain nursing and convalescent homes.

Representative Phillips moved to postpone consideration of **HB 2373** until 11 a.m. Thursday, May 1.

The motion prevailed without objection.

**HB 2613 ON SECOND READING**  
**(by B. Keffer)**

**HB 2613**, A bill to be entitled An Act relating to liens on stored hydrocarbons at sites and facilities that have not been timely cleaned up.

**HB 2613** was passed to engrossment.

**HB 2613 - VOTE RECONSIDERED**

Representative B. Keffer moved to reconsider the vote by which **HB 2613** was passed to engrossment.

The motion to reconsider prevailed.

**HB 2613 ON SECOND READING****(by B. Keffer)**

**HB 2613**, A bill to be entitled An Act relating to liens on stored hydrocarbons at sites and facilities that have not been timely cleaned up.

**Amendment No. 1**

On behalf of Representative Crabb, Representative B. Keffer offered the following amendment to **HB 2613**:

Amend **HB 2613**, Section 2 of the bill, page 2, between lines 13 and 14 by adding the following subsection (g):

(g) The lien provided by this section, as it relates to stored hydrocarbons, shall be subject to and inferior to any lien in favor of the State of Texas to secure royalty payments.

Amendment No. 1 was adopted without objection.

**HB 2613**, as amended, was passed to engrossment.

**HB 2795 ON SECOND READING****(by Riddle)**

**HB 2795**, A bill to be entitled An Act relating to the release on bond of certain persons arrested without a warrant.

**HB 2795** was passed to engrossment.

**CSHB 2899 ON SECOND READING****(by Phillips)**

**CSHB 2899**, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to contract for the erection and maintenance of specific information logo signs, major shopping area guide signs, and major agricultural interest signs.

**CSHB 2899** was passed to engrossment.

**CSHB 1920 ON SECOND READING****(by Capelo)**

**CSHB 1920**, A bill to be entitled An Act relating to certain immunization programs.

Representative Capelo moved to postpone consideration of **CSHB 1920** until 1:00 p.m. Thursday, May 1.

The motion prevailed without objection.

**CSHB 38 ON SECOND READING****(by Chisum, Geren, Kuempel, Campbell, Hopson, et al.)**

**CSHB 38**, A bill to be entitled An Act relating to the recognition of a same-sex marriage or a civil union.

Representative Chisum moved to postpone consideration of **CSHB 38** until 11:15 p.m.

The motion prevailed without objection.

**HB 172 ON SECOND READING**  
**(by Keel)**

**HB 172**, A bill to be entitled An Act relating to securing the appearance of certain persons who have been released on bail; providing a criminal penalty.

**HB 172** was passed to engrossment.

**HB 1926 ON SECOND READING**  
**(by Capelo)**

**HB 1926**, A bill to be entitled An Act relating to immunization of children.

Representative Capelo moved to postpone consideration of **HB 1926** until 1:00 p.m. Thursday, May 1.

The motion prevailed without objection.

**HB 182 ON SECOND READING**  
**(by Callegari)**

**HB 182**, A bill to be entitled An Act relating to the statute of limitations for the offense of arson.

**HB 182** was passed to engrossment.

**HB 217 ON SECOND READING**  
**(by Hamric, Wohlgemuth, Menendez, Bohac, et al.)**

**HB 217**, A bill to be entitled An Act relating to limiting the amount of school district ad valorem taxes that may be imposed on the residence homestead of a disabled person.

**HB 217** was passed to engrossment.

**HB 275 ON SECOND READING**  
**(by Keel)**

**HB 275**, A bill to be entitled An Act relating to the prosecution of theft of service.

**HB 275** was passed to engrossment.

**HB 457 ON SECOND READING**  
**(by Hope)**

**HB 457**, A bill to be entitled An Act relating to the operation of a watercraft while intoxicated.

**HB 457** was passed to engrossment.

**HB 529 ON SECOND READING****(by B. Brown)**

**HB 529**, A bill to be entitled An Act relating to the ineligibility of a delinquent child support obligor to receive state-funded or state-administered student financial assistance.

**Amendment No. 1**

Representative Harper-Brown offered the following amendment to **HB 529**:

Amend **HB 529** as follows:

(1) Strike SECTION 1 of the bill and substitute the following appropriately numbered section:

SECTION \_\_. Section 231.006, Family Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A child support obligor who is more than 60 days delinquent in paying child support is not eligible to receive student financial assistance paid directly to the obligor by the comptroller.

(b) A child support obligor or business entity ineligible to receive payments under Subsection (a) or a child support obligor ineligible to receive payments under Subsection (a-1) remains ineligible until:

(1) all arrearages have been paid; or

(2) the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency.

(2) Strike page 1, line 23, through page 2, line 4, and substitute the following:

(b) The change in law made by this Act applies only to student financial assistance paid on or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

**HB 529**, as amended, was passed to engrossment. (Castro and Chavez recorded voting no)

**CSHB 560 ON SECOND READING****(by Pickett)**

**CSHB 560**, A bill to be entitled An Act relating to vehicles left unattended on certain parking facilities and to the removal and storage of those vehicles.

**CSHB 560** was passed to engrossment.

**HB 755 ON SECOND READING****(by Chisum, et al.)**

**HB 755**, A bill to be entitled An Act relating to the offense of failing to certify compliance of an underground storage tank before accepting delivery of the regulated substance to be stored in the tank.

**HB 755** was passed to engrossment.

**HB 778 ON SECOND READING**  
**(by Naishtat and Swinford)**

**HB 778**, A bill to be entitled An Act relating to the offense of interference with an emergency telephone call.

**HB 778** was passed to engrossment.

**CSHB 1113 ON SECOND READING**  
**(by Crownover)**

**CSHB 1113**, A bill to be entitled An Act relating to returning a public school teacher to probationary contract status.

**CSHB 1113** was passed to engrossment. (Burnam, D. Jones, Menendez, Phillips, Raymond, Telford, Thompson, and Turner recorded voting no)

**CSHB 1225 ON SECOND READING**  
**(by Eissler)**

**CSHB 1225**, A bill to be entitled An Act relating to time limits and notice related to a special education due process hearing and an appeal of a special education hearing officer's decision.

**Amendment No. 1**

On behalf of Representative Luna, Representative Eissler offered the following amendment to **CSHB 1225**:

Amend **CSHB 1225** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0165 to read as follows:

Sec. 29.0165. TRANSFER OF SPECIAL EDUCATION DUE PROCESS HEARING FUNCTIONS TO STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) Not later than December 1, 2003, the agency and the State Office of Administrative Hearings shall jointly determine whether it would be cost-effective for the agency to transfer all or part of the agency's special education due process hearings functions under Section 29.016 to the State Office of Administrative Hearings by interagency contract.

(b) If, in accordance with Subsection (a), the agency and the State Office of Administrative Hearings jointly determine that it would be cost-effective for the agency to transfer all or part of the agency's special education due process hearings functions under Section 29.016 to the State Office of Administrative Hearings, the agency and the State Office of Administrative Hearings shall enter into an interagency contract to transfer the appropriate functions accordingly.

(c) An interagency contract entered into under Subsection (b) shall specify that the agency retains the authority to issue an order or decision authorizing an evaluation of a student's eligibility for special education services based on a proposed decision of the State Office of Administrative Hearings. An interagency contract under this section may not transfer to the State Office of Administrative Hearings the authority to issue an order or decision authorizing the evaluation of a student.

Amendment No. 1 was adopted without objection.

**CSHB 1225**, as amended, was passed to engrossment. (Thompson recorded voting no)

**CSHB 1254 ON SECOND READING**  
**(by Crossover)**

**CSHB 1254**, A bill to be entitled An Act relating to good cause for termination of a public school teacher's employment contract.

**CSHB 1254 - POINT OF ORDER**

Representative Dunnam raised a point of order against further consideration of **CSHB 1254** under Rule 4, Section 20(b) and Rule 4, Section 32 (b)(10) of the House Rules on the grounds that the sworn statement of a witness was not correct and the committee report of witnesses was not correct.

The point of order was withdrawn.

Representative Crossover moved to postpone consideration of **CSHB 1254** until 2 p.m. tomorrow.

The motion prevailed without objection.

**CSHB 1268 ON SECOND READING**  
**(by Seaman)**

**CSHB 1268**, A bill to be entitled An Act relating to outpatient drug benefit coverage in certain health insurance policies and discount drug programs.

**Amendment No. 1**

Representative Seaman offered the following amendment to **CSHB 1268**:

Amend **CSHB 1268** (Committee Printing) as follows:

(1) On page 2, lines 6 and 7, strike "including hearing aids and eyeglasses".

(2) On page 2, line 7, between "discount" and the period, insert "under an agreement made between an insurer and a participating pharmacy".

Amendment No. 1 was adopted without objection.

**CSHB 1268**, as amended, was passed to engrossment.

**HB 1300 ON SECOND READING**  
**(by Riddle and Peña)**

**HB 1300**, A bill to be entitled An Act relating to the release on personal bond of certain criminal defendants.

**Amendment No. 1**

Representative Lewis offered the following amendment to **HB 1300**:

Amend **HB 1300** by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 17.02, Code of Criminal Procedure, is amended to read as follows:

Art. 17.02. DEFINITION OF "BAIL BOND"; CASH BOND AUTHORIZED. (a) A "bail bond" is a written undertaking entered into by the defendant and the defendant's [his] sureties for the appearance of the principal therein before some court or magistrate to answer a criminal accusation; provided, however, that the defendant upon execution of such bail bond may deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the bond, or in a lesser amount as provided by Article 17.025, in lieu of having sureties signing the same.

(b) Any cash funds deposited under this Article or Article 17.025 shall be receipted for by the officer receiving those funds. The officer shall deposit the funds in an interest-bearing account established for purposes of this subsection. Interest on the amount in the account may be retained by the county to cover the costs of administering this subsection. In addition, the county may impose a fee, not to exceed 10 percent of the amount deposited, to cover those administrative costs. The officer shall refund the amount deposited, less any amount retained under this subsection as an administrative fee, [the same and shall be refunded] to the defendant, or to another person to whom that amount is assigned by the defendant in a signed written instrument filed with that officer, [if and] when the defendant complies with the conditions of the defendant's [his] bond, and upon order of the court.

SECTION \_\_\_\_\_. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17. 025 to read as follows:

Art. 17.025. RELEASE ON BOND IN PARTIAL AMOUNT. (a) A magistrate may release a defendant on bail by permitting the defendant to deposit an amount of cash bond or to submit a bail bond in an amount that is less than the total mount of bail set in the case if the magistrate determines that requiring the defendant to deposit a cash bond or to procure a bail bond in the full amount of bail will impose an unreasonable hardship on the defendant.

(b) Only the court before whom the case is pending may release a defendant under this article if the defendant is a defendant described by Article 17.03(b).

(c) A magistrate who releases a defendant under this article may impose any condition on the release that the magistrate could impose if the defendant were released on personal bond.

Amendment No. 1 was adopted without objection.

**HB 1300**, as amended, was passed to engrossment.

**CSHB 1339 ON SECOND READING**  
**(by Eissler)**

**CSHB 1339**, A bill to be entitled An Act relating to certain information that a school district must provide to the parent of or person standing in parental relation to a district student and to evaluation of a student for special education services.

**CSHB 1339** was passed to engrossment.

**HB 803 ON SECOND READING**  
**(by Geren)**

**HB 803**, A bill to be entitled An Act relating to the assessment of damages in a condemnation proceeding based on the market value of groundwater rights as property apart from the land.

**Amendment No. 1**

Representative Puente offered the following amendment to **HB 803**:

Amend **HB 803** as follows:

1) On page 1, line 10, strike "municipality" and substitute the phrase "political subdivision";

2) On page 1, line 14, strike "municipality" and substitute the phrase "political subdivision";

3) On page 1, line 18, strike "municipality" and substitute the phrase "political subdivision";

4) On page 2, on line 10, insert a new Subsection (d) as follows, and reletter subsequent subsections accordingly:

"(d) In assessing damages based on the market value of groundwater rights under Subsection (c)(2), the special commissioners or court shall consider:

(1) the amount of groundwater the political subdivision can reasonably be expected to produce from the property on an annual basis;

(2) the number of years the political subdivision can reasonably be expected to produce groundwater from the property;

(3) the quality of the groundwater;

(4) the location of the real property in relation to the political subdivision for conveyance purposes;

(5) any potential environmental impact of producing groundwater from the real property;

(6) whether or not the real property is located within the boundaries of a political subdivision that can regulate the production of groundwater from the real property;

(7) the cost of alternative water supplies to the political subdivision; and

(8) any other reasonable factor that effects the market value of a groundwater right."

Amendment No. 1 was adopted without objection.

**HB 803**, as amended, was passed to engrossment.

**CSHB 1481 ON SECOND READING**  
**(by Allen)**

**CSHB 1481**, A bill to be entitled An Act relating to the creation of the operating permit fees account for fees collected under Titles IV and V of the Clean Air Act.

**CSHB 1481** was passed to engrossment.

**HB 1518 ON SECOND READING**  
**(by Dutton)**

**HB 1518**, A bill to be entitled An Act relating to accountability for public school dropouts and students at risk of dropping out of school.

**Amendment No. 1**

Representative Chavez offered the following amendment to **HB 1518**:

Amend **HB 1518**, by adding two new sections and renumbering the subsequent sections appropriately:

SECTION \_\_\_\_\_. Section 39.072, Education Code, is amended by adding Subsection (d) to read as follows:

(d) For the purposes of Subsection (c), a student who attends a dropout prevention program that is based at a single campus but serves students from more than one campus is considered to be a student at the campus to which the student would regularly be assigned.

SECTION \_\_\_\_\_. The changes to Section 39.072, Education Code, in this Act applies to inclusion of a student for purposes of public school accountability beginning with the 2002-2003 school year.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Chavez offered the following amendment to **HB 1518**:

Amend **HB 1518** by adding the following:

(d) For purposes of Subsection (c), a student who attends a program serving students who are pregnant or parents that is based at a single campus but serves students from more than one campus is considered to be a student at the campus to which the student would regularly be assigned. The commissioner may make rules to implement this section and may implement this section by an appeal of the campus rating.

Amendment No. 2 was adopted without objection.

**HB 1518**, as amended, was passed to engrossment.

**CSHB 1695 ON SECOND READING**  
**(by Denny, Madden, and Howard)**

**CSHB 1695**, A bill to be entitled An Act relating to certain election processes and procedures.

**Amendment No. 1**

Representative Denny offered the following amendment to **CSHB 1695**:

Amend **CSHB 1695** by striking SECTION 20 of the bill (page 12, lines 5-24) and by renumbering the remaining sections as appropriate.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Madden offered the following amendment to **CSHB 1695**:

Amend **CSHB 1695** by adding the following appropriately numbered sections and renumbering the existing sections as appropriate:

SECTION \_\_\_\_\_. Section 32.091, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), an ~~Am~~ election judge or clerk is entitled to compensation for services rendered at a precinct polling place at an hourly rate not to exceed the amount fixed by the appropriate authority, which amount must be at least the federal minimum hourly wage. A judge or clerk may be compensated at that rate for services rendered under Section 62.014(c).

(c) For a primary or runoff primary election, the minimum hourly rate is the greater of the maximum rate provided by Subsection (a) or, if the election officer attended a training program as provided by Subchapter F, \$7.

SECTION \_\_\_\_\_. Section 32.111, Election Code, is amended to read as follows:

Sec. 32.111. TRAINING STANDARDS FOR ELECTION JUDGES. (a) The secretary of state shall ~~[governing body of a political subdivision that holds elections or the county executive committee of a political party that holds primary elections may]~~:

(1) adopt ~~[minimum]~~ standards of training in election law and procedure for presiding or alternate election judges ~~[serving in its elections]~~; ~~[and]~~

(2) develop materials for a standardized curriculum for that training;  
and

(3) distribute the materials as necessary to the governing bodies of political subdivisions that hold elections and to each county executive committee of a political party that holds a primary election ~~[require that a person meet those standards before appointment or service as a judge].~~

(b) The ~~Minimum~~ training standards may include required attendance at appropriate training programs or the passage of an examination at the end of a training program.

SECTION \_\_\_\_\_. Section 32.112, Election Code, is amended to read as follows:

Sec. 32.112. EXPENSE OF TRAINING JUDGES. The governing body of a political subdivision may appropriate funds to:

(1) compensate its election judges, early voting clerk, and deputy early voting clerks in charge of early voting polling places for attending a training program required under Section 32.111 ~~[programs]~~, at an hourly rate not to exceed the maximum rate of compensation of an election judge for services rendered at a precinct polling place or, if applicable, for attending a training program under Section 32.114; and

(2) pay the expenses of conducting the programs.

SECTION \_\_\_\_\_. Sections 32.113(a) and (b), Election Code, are amended to read as follows:

(a) The governing body of a political subdivision other than a county may, and the county executive committee of a political party shall, provide training ~~[programs]~~ for its election officers using the standardized training program and materials developed and provided by the secretary of state under Section 32.111.

(b) A political subdivision or county executive committee may conduct its training ~~[programs]~~ independently or jointly with other entities.

SECTION \_\_\_\_\_. Section 32.114, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The county clerk shall provide one or more sessions of ~~[a]~~ training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 ~~[program]~~ for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program.

(e) An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate not to exceed \$7.

SECTION \_\_\_\_\_. Section 172.024(a), Election Code, is amended to read as follows:

(a) The filing fee for a candidate for nomination in the general primary election is as follows:

- (1) United States senator . . . . . \$5,000 ~~[\$4,000]~~
- (2) office elected statewide, except United States senator. 3,750 ~~[3,000]~~
- (3) United States representative. . . . . 3,125 ~~[2,500]~~
- (4) state senator . . . . . 1,250 ~~[1,000]~~
- (5) state representative. . . . . 750 ~~[600]~~
- (6) member, State Board of Education . . . . . 300 ~~[250]~~
- (7) chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) . . . . . 1,875 ~~[1,500]~~
- (8) chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than 850,000 is wholly or partly situated . . . . . 2,500 ~~[2,000]~~
- (9) district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee . . . . . 1,500 ~~[1,200]~~
- (10) district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 850,000 . . . . . 2,500 ~~[2,000]~~
- (11) judge, statutory county court, other than a judge specified by Subdivision (12) . . . . . 1,500 ~~[1,200]~~
- (12) judge of a statutory county court in a county with a population of more than 850,000 . . . . . 2,500 ~~[2,000]~~
- (13) district attorney, criminal district attorney, or county attorney performing the duties of a district attorney. . . . . 1,250 ~~[1,000]~~
- (14) county commissioner, county clerk, sheriff, county tax assessor-collector, county treasurer, or judge, constitutional county court:
  - (A) county with a population of 200,000 or more. . . . . 1,250 ~~[1,000]~~
  - (B) county with a population of under 200,000 . . . . . 750 ~~[600]~~

- (15) justice of the peace or constable:
  - (A) county with a population of 200,000 or more . . . . . 1,000 [~~800~~]
  - (B) county with a population of under 200,000 . . . . . 375 [~~300~~]
- (16) county surveyor, inspector of hides and animals, or public weigher  
 . . . . . 75 [~~50~~]
- (17) office of the county government for which this schedule does not  
 otherwise prescribe a fee. . . . . 750 [~~600~~]

SECTION \_\_\_\_\_. Section 173.005(a), Election Code, is amended to read as follows:

~~(a)~~ The maximum hourly rate payable with state funds in a particular primary election year to election judges serving in a primary election for attending training programs is the same as the maximum rate prescribed by this code for ~~a political subdivision's~~ compensation for attending a training program for election judges appointed to serve in elections ordered by the governor or a county authority [of its election judges for the same activity].

SECTION \_\_\_\_\_. Section 173.005(b), Election Code, is repealed.

Amendment No. 2 was adopted without objection.

**CSHB 1695**, as amended, was passed to engrossment.

**HB 1796 ON SECOND READING  
(by Talton)**

**HB 1796**, A bill to be entitled An Act relating to the repeal of the exception from required disclosure under the public information law of certain information submitted by a potential vendor or contractor.

Representative Talton moved to postpone consideration of **HB 1796** until 1:00 p.m. Thursday, May 1.

The motion prevailed without objection.

**CSHB 1815 ON SECOND READING  
(by Goodman and Wise)**

**CSHB 1815**, A bill to be entitled An Act relating to court-ordered representation in suits affecting the parent-child relationship.

**Amendment No. 1**

Representative Goodman offered the following amendment to **CSHB 1815**:

Amend **CSHB 1815** on page 23, lines 7 and 8, by striking "or a person employed by a governmental entity".

Amendment No. 1 was adopted without objection.

**CSHB 1815**, as amended, was passed to engrossment.

**HB 1872 ON SECOND READING  
(by Riddle)**

**HB 1872**, A bill to be entitled An Act relating to the prosecution of the offense of criminal trespass.

**HB 1872** was passed to engrossment.

**CSHB 2319 ON SECOND READING**  
**(by Dutton, Goodman, Hodge, Peña, et al.)**

**CSHB 2319**, A bill to be entitled An Act relating to juvenile delinquency.

**Amendment No. 1**

Representative Goodman offered the following amendment to **CSHB 2319**:

Amend **CSHB 2319** as follows:

(1) On page 5, line 6, strike "(d) and (e)" and substitute "(d), (e), and (f)".

(2) On page 5, between lines 18 and 19, insert the following:

(f) Any requirement under this title that a document contain a person's signature, including the signature of a judge or a clerk of the court, is satisfied if the document contains the signature of the person as captured on an electronic device or as a digital signature. Article 2.26, Code of Criminal Procedure, applies in a proceeding held under this title.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Chisum offered the following amendment to **CSHB 2319**:

Amend **CSHB 2319** (Committee Printing) on page 55, lines 24-25, by striking "probation programs, facilities, and services and" and substituting "facilities and".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Chisum offered the following amendment to **CSHB 2319**:

Amend **CSHB 2319** in SECTION 47 [Page 55, line 21 through Page 56, line 8] by striking new subsection (h) and replacing with new subsection (h) to read as follows:

(h) A juvenile board that does not accept state aid funding from the commission under 141.081 shall report to the commission each month, on a form provided by the commission, the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the board. If the commission makes available free software to the board for the automation and tracking of juveniles under the jurisdiction of the board, the commission may require the monthly report to be provided in an electronic format adopted by rule by the commission.

Amendment No. 3 was withdrawn.

**Amendment No. 4**

Representative J. Moreno offered the following amendment to **CSHB 2319**:

Amend **CSHB 2319** (Committee Printing) as follows:

(1) On page 8, strike lines 25-27 and substitute the following:

(2) there is probable cause to believe the person;

(A) engaged in delinquent conduct or conduct indicating a need for supervision; or

(B) is a nonoffender who has been taken into custody and is being held solely for deportation out of the United States.

(2) On page 12, between lines 14 and 15, insert the following new SECTIONS to the bill, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Section 54.011, Family Code, is amended to read as follows:

Sec. 54.011. DETENTION HEARINGS FOR STATUS OFFENDERS AND NONOFFENDERS; PENALTY.

SECTION \_\_\_\_\_. Section 54.011, Family Code, is amended by adding Subsection (f) to read as follows:

(f) Except as provided by Subsection (a), a nonoffender, including a person who has been taken into custody and is being held solely for deportation out of the United States, may not be detained for any period of time in a secure detention facility or secure correctional facility, regardless of whether the facility is publicly or privately operated. A nonoffender who is detained in violation of this subsection is entitled to immediate release from the facility and may bring a civil action for compensation for the illegal detention against any person responsible for the detention. A person commits an offense if the person knowingly detains or assists in detaining a nonoffender in a secure detention facility or secure correctional facility in violation of this subsection. An offense under this subsection is a Class B misdemeanor.

(3) On page 64, line 1, strike "(d) and (e)" and substitute "(d), (e), and (g)".

(4) On page 64, line 15, strike "Sections 20, 34, and 51 of this Act" and substitute "Section 54.051, Family Code, Article 62.13, Code of Criminal Procedure, and Section 12.42, Penal Code, as amended by this Act".

(5) On page 64, after line 21, insert the following:

(g) Section 54.011(f), Family Code, as added by this Act, applies only to a nonoffender who is detained in a secure detention facility or secure correctional facility on or after the effective date of this Act. A nonoffender who is detained in a secure detention facility or secure correctional facility before the effective date of this Act is not entitled to bring a civil action under Section 54.011(f), Family Code, as added by this Act.

Amendment No. 4 was adopted without objection.

**CSHB 2319**, as amended, was passed to engrossment.

### **HB 2477 ON SECOND READING** **(by Callegari)**

**HB 2477**, A bill to be entitled An Act relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

Representative Callegari moved to postpone consideration of **HB 2477** until 11 a.m. Friday, May 9.

The motion prevailed without objection.

**CSHB 2703 ON SECOND READING**  
**(by Bailey, Paxton, Dutton, Keel, and Flynn)**

**CSHB 2703**, A bill to be entitled An Act relating to admissibility of evidence examined and tested by a crime laboratory.

Representative Keel moved to postpone consideration of **CSHB 2703** until 2 p.m. tomorrow.

The motion prevailed without objection.

**HB 2732 ON SECOND READING**  
**(by Talton)**

**HB 2732**, A bill to be entitled An Act relating to certain municipal orders required to be filed with the municipal secretary or clerk.

**HB 2732** was passed to engrossment.

**CSHB 3128 ON SECOND READING**  
**(by Truitt)**

**CSHB 3128**, A bill to be entitled An Act relating to write-in voting for the offices of county chair and precinct chair.

Representative Truitt moved to postpone consideration of **CSHB 3128** until 2 p.m. tomorrow.

The motion prevailed without objection.

**CSHB 3383 ON SECOND READING**  
**(by Swinford)**

**CSHB 3383**, A bill to be entitled An Act relating to agricultural development districts.

**CSHB 3383** was passed to engrossment.

**HB 3456 ON SECOND READING**  
**(by Heflin)**

**HB 3456**, A bill to be entitled An Act relating to health benefit plans under the Texas Employees Group Benefits Act.

**HB 3456** was passed to engrossment. (Hopson recorded voting no)

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 2240 ON SECOND READING**  
**(by Paxton)**

**CSHB 2240**, A bill to be entitled An Act relating to the management of certain trusts and the adoption of the Uniform Prudent Investor Act.

**CSHB 2240** was read second time earlier today and was postponed until this time.

Representative Paxton moved to postpone consideration of **CSHB 2240** until 11 a.m. tomorrow.

The motion prevailed without objection.

### **RESOLUTIONS CALENDAR**

The following resolutions were laid before the house on committee report:

#### **HCR 59**

**(by Chavez, Reyna, Luna, Thompson, Olivo, et al.)**

**HCR 59**, Requesting that the Federal Bureau of Investigation be directly involved in assisting the Mexican law enforcement authorities in their investigation of the brutal murders of women in Juarez, Mexico.

**HCR 59** was adopted without objection.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **SB 7 ON SECOND READING**

**(Chisum - House Sponsor)**

**SB 7**, A bill to be entitled An Act relating to the recognition of a same-sex marriage or a civil union.

**SB 7** was considered in lieu of **CSHB 38**.

### **SB 7 - POINT OF ORDER**

Representative Rodriguez raised a point of order against further consideration of **SB 7** under Rule 4, Section 33(d) of the House Rules on the grounds that the bill was reported from committee before the receipt of the fiscal note.

The speaker overruled the point of order, speaking as follows:

Mr. Rodriguez raises a point of order under Rule 4, Section 33(d), against further consideration of **SB 7** in that a fiscal note was provided to the chair on April 24 on the senate engrossment, but the bill was reported the day before.

The chair finds that the fiscal note was unnecessary and not required before the bill was reported.

Accordingly, the point of order is respectfully overruled.

### **Amendment No. 1**

Representative Thompson offered the following amendment to **SB 7**:

Amend **SB 7** on page 1, following line 34, by adding a new Subsection (d) following line 34 to read as follows:

"(d) No marriage shall be recognized if one of the parties has previously been in a recognized marital relationship three or more times, whether married in this state or in another recognized jurisdiction."

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Burnam offered the following amendment to **SB 7**:

Amend **SB 7** on page 2, following line 2, by adding a new Subsection (d) to read as follows:

"(d) No marriage license may be granted in Texas if either party to the license has been convicted under Penal Code section 22.01 or 25.07."

**Amendment No. 2 - Point of Order**

Representative Goodman raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

**Amendment No. 3**

Representative Goodman offered the following amendment to **SB 7**:

Amend **SB 7** (house committee printing) on page 2, between lines 2 and 3, by inserting the following:

(d) This section does not affect the recognition and enforceability of:

(1) child support orders entered in accordance with the jurisdictional standards of 28 U.S.C. Section 1738B;

(2) child custody orders entered in accordance with the jurisdictional standards of 28 U.S.C. Section 1738A;

(3) qualified domestic relations orders entered in accordance with the Employee Retirement Income Security Act (29 U.S.C. Section 1001, et seq.);

(4) final judgments of other states entitled to full faith and credit under 28 U.S.C. Section 1738; or

(5) civil process from other states for discovery or service of papers, depositions, or subpoenas.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Naishtat offered the following amendment to **SB 7**:

Amend **SB 7** on page 2, following line 2 to add Subsection (d) to read as follows:

"(d) This section shall not apply if the same sex couple has been married or entered into a civil union in another state for a period of five years or more and have joint custody of one or more children."

Amendment No. 4 was withdrawn.

**SB 7**, as amended, was passed to third reading. (B. Cook, Flynn, Laubenberg, Paxton, and Zedler recorded voting yes; Burnam, Y. Davis, Dutton, Farrar, Naishtat, Rodriguez, and Villarreal recorded voting no.)

**CSHB 38 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Chisum moved to lay **CSHB 38** on the table subject to call.

The motion prevailed without objection.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Heflin moved to suspend the five day posting rule to allow the Committee on Appropriations to consider **HB 1947**.

The motion prevailed without objection.

Representative Denny moved to suspend the five day posting rule to allow the Committee on Elections to consider **SB 1449**.

The motion prevailed without objection.

Representative Lewis moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **SB 540** and **SB 733**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

State Health Care Expenditures, Select, will not meet tonight.

Appropriations, 7 a.m. today, April 30, E1.030, for a public hearing, to consider **HB 1947**.

Elections, 2 p.m. or upon adjournment/recess today, April 30, E2.012, to consider **SB 1449**.

State Cultural and Recreational Resources, will not meet tonight.

Business and Industry, upon adjournment today, April 30, Desk 103, for a formal meeting, to consider pending business.

Business and Industry, 8:45 a.m. today, April 30, JHR 110, for a public hearing, to consider those bills which had been posted for a hearing at 2 p.m. or upon adjournment, April 29.

County Affairs, 8:00 a.m. today, April 30, to consider **SB 540** and **SB 733**.

**RULES SUSPENDED**

Representative Reyna moved to suspend all necessary rules for the following bills, which were postponed from the last Local and Consent Calendar on April 25, to be included in the next local calendar: **HB 1341**, **HB 1897**, **HB 2030**, **HB 2140**, **HB 2584**, **HB 2585**, **HB 2586**, **HB 2587**, and **HB 3568**.

The motion prevailed without objection.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Reyna moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. Saturday, May 3.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Regulated Industries, upon adjournment today, April 30, Desk 82, for a formal meeting, to consider **SB 1271** and **SB 1829**.

Local and Consent Calendars, upon adjournment today, April 30, E2.024, for a formal meeting, to set the calendar.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Chavez moved to suspend the five day posting rule to allow the Committee on Border and International Affairs to consider **HB 1651**, **HCR 204**, and **SB 1583** in the committee's regularly posted public hearing on Wednesday, April 30.

The motion prevailed without objection.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Edwards moved to suspend all necessary rules to set a congratulatory and memorial calendar for 9 a.m. Saturday, May 3.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, will not meet tonight.

**ADJOURNMENT**

Representative Luna moved that the house adjourn until 10 a.m. today, April 30 in memory of Dr. Xico Garcia of Corpus Christi.

The motion prevailed without objection.

The house accordingly, at 12:08 a.m., April 30, adjourned until 10 a.m. today.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HCR 220** (By Hunter), Designating Texas Music Hall of Fame, Inc., as the official entity in Texas for the purpose of inducting Texas musicians, songwriters and others and establishing Texas Music Hall of Fame museums and displays.

To Rules and Resolutions.

**HCR 221** (By Branch), Congratulating Ray and Kimberly Faust of Austin on the birth of their daughter, Konner Mikus Faust.

To Rules and Resolutions.

**HCR 224** (By Hilderbran), Congratulating Sam Caldwell on his selection as Texas State Artist for 2004 in the two-dimensional category.

To Rules and Resolutions.

**HCR 225** (By Hilderbran), Honoring Ray Benson of Austin as the 2004 Texas State Musician.

To Rules and Resolutions.

**HCR 226** (By Hilderbran), Honoring Cleatus Rattan of Cisco for being named the Texas Poet Laureate for 2004.

To Rules and Resolutions.

**HCR 227** (By Hilderbran), Congratulating James Dick of Round Top on his selection as Texas State Musician for 2003.

To Rules and Resolutions.

**HCR 228** (By Hilderbran), Honoring Dixie Friend Gay on the occasion of her selection as Texas State Artist for 2003 in the three-dimensional category.

To Rules and Resolutions.

**HCR 229** (By Hilderbran), Honoring David Hickman of Dallas, Texas State Artist for 2004 in the three-dimensional category.

To Rules and Resolutions.

**HCR 230** (By Hilderbran), Honoring Ralph White of Austin, Texas State Artist for 2003 in the two-dimensional category.

To Rules and Resolutions.

**HR 920** (By Chavez), In memory of Private First Class Lori Ann Piestewa of Tuba City, Arizona.

To Rules and Resolutions.

**HR 921** (By Chavez), In memory of Private First Class Howard Johnson II of Mobile, Alabama.

To Rules and Resolutions.

**HR 922** (By Chavez), In memory of Sergeant Donald R. Walters of Kansas City, Missouri.

To Rules and Resolutions.

**HR 923** (By Chavez), In memory of First Sergeant Robert J. Dowdy of DeRidder, Louisiana.

To Rules and Resolutions.

**HR 924** (By Chavez), In memory of Private Brandon Ulysses Sloan of Bedford Heights, Ohio.

To Rules and Resolutions.

**HR 925** (By Chavez), In memory of Jamaal R. Addison of Roswell, Georgia.

To Rules and Resolutions.

**HR 926** (By Chavez), Honoring the life of U.S. Army Specialist James Kiehl.

To Rules and Resolutions.

**HR 927** (By Chavez), Honoring the El Paso Holocaust Museum and Study Center.

To Rules and Resolutions.

**HR 928** (By Chavez), Honoring John T. Montford for his contributions to the Texas Tech University Health Sciences Center.

To Rules and Resolutions.

**HR 929** (By Hughes), Honoring Jarvis Christian College Concert Choir for its recent appearances in New York City.

To Rules and Resolutions.

**HR 931** (By Hunter), Honoring Donna Albus of Abilene, president of Keep Texas Beautiful, for her commitment to her community and state.

To Rules and Resolutions.

**HR 933** (By P. Moreno), Honoring Blanca Enriquez of El Paso for her appointment to the advisory board of the National Institute for Literacy.

To Rules and Resolutions.

**HR 934** (By P. Moreno), Honoring Robert Aguilar of El Paso on being named assistant principal of Glen Cove Elementary School.

To Rules and Resolutions.

**HR 938** (By B. Brown), Commending those involved with the Pi Sigma Alpha political science honor society at The University of Texas at Austin.

To Rules and Resolutions.

**HR 941** (By Truitt), Congratulating Tagg Sawyer of Tarrant County on earning a 2003 STARS award.

To Rules and Resolutions.

**HR 942** (By Truitt), Congratulating Lou Baum of Tarrant County on his receipt of a 2003 STARS award.

To Rules and Resolutions.

**HR 943** (By Truitt), Congratulating Kelly Pace Bradley of Tarrant County on her receipt of a 2003 STARS award.

To Rules and Resolutions.

**HR 945** (By Flores), Congratulating Texas State Bank on its selection as the corporate recipient of the 2003 Governor's Volunteer Award.

To Rules and Resolutions.

**HR 946** (By Chisum), In memory of Clyde Carruth of Pampa.  
To Rules and Resolutions.

**HR 947** (By Uresti), In memory of Pablo Navarro of Zapata County.  
To Rules and Resolutions.

**HR 948** (By Hamilton), Honoring the First Presbyterian Church of Orange on its 125th anniversary.  
To Rules and Resolutions.

**HR 949** (By Hamilton), Recognizing the historical significance of the Wilson Chapel Cemetery near Newton.  
To Rules and Resolutions.

**HR 950** (By Bohac), In memory of Martha Humphries of Houston.  
To Rules and Resolutions.

**HR 951** (By Bohac), Honoring Carlos Gonzalez on his 80th birthday.  
To Rules and Resolutions.

**HR 952** (By Bohac), Congratulating Benno and Ruby Bauer of Kerrville on their 60th wedding anniversary.  
To Rules and Resolutions.

**HR 953** (By Bohac), In memory of James G. Kmiecik of Houston.  
To Rules and Resolutions.

**HR 954** (By R. Cook), Honoring Randy Bacus, CEO of the Colorado-Fayette Medical Center in Weimar, for his service to rural Texans.  
To Rules and Resolutions.

**HR 956** (By Taylor), Honoring the Friendswood High School Academic Decathlon team on their 11th consecutive state championship.  
To Rules and Resolutions.

**HR 957** (By Christian), Welcoming a delegation from Joaquin Junior High School to the State Capitol.  
To Rules and Resolutions.

**HR 958** (By Paxton), Honoring Pamela Crim of Allen on her participation in the American Stroke Association's Train to End Stroke Marathon Training Program and the Walt Disney World Marathon in Orlando, Florida.  
To Rules and Resolutions.

**SB 616** to Public Health.

**SB 691** to State Health Care Expenditures, Select.

**SB 782** to Criminal Jurisprudence.

**SB 794** to Judicial Affairs.

**SB 1366** to Public Education.

**SB 1583** to Border and International Affairs.

**SB 1701** to Government Reform.

**SJR 33** to Judicial Affairs.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 21**

**SB 151, SB 209, SB 354, SB 375, SB 491, SB 520, SB 761, SB 979, SB 1430, SB 1580**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 64** Hilderbran SPONSOR: Harris  
In memory of John W. Holtermann of San Marcos.

**HCR 88** Craddick SPONSOR: Bivins  
Honoring the life of John Lance Foster of Midland.

**HCR 202** Wise SPONSOR: Van de Putte  
Designating May 1, 2003, as Law Day in the State of Texas.

**HCR 222** Merritt SPONSOR: Brimer  
Designating April 29, 2003, as Dale Earnhardt Day in Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 211** Nixon SPONSOR: Shapiro  
Recognizing April 29, 2003, as Holocaust Remembrance Day.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas  
Tuesday, April 29, 2003 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1** Heflin SPONSOR: Bivins  
General Appropriations Bill.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 28**

Business and Industry - **HB 1366, SB 504**

Civil Practices - **HB 705, HB 1699, HB 2813, HB 3439**

Corrections - **HB 1715**

Criminal Jurisprudence - **HB 59, HB 60, HB 532, HB 2729, HB 2796**

Defense Affairs and State-Federal Relations - **HB 1622, HB 3211, HB 3362, HCR 27, HCR 156, HCR 161, SB 985**

Environmental Regulation - **HB 1630, HB 2252**

Judicial Affairs - **HB 644, HB 2679, HB 2799, HB 3595, HB 3603, HJR 64**

Law Enforcement - **HB 622, HB 819, HB 875, HB 1704, HB 2237, HB 2619, HB 3477**

Licensing and Administrative Procedures - **HB 1407, HB 3489**

Natural Resources - **HB 2662, HB 3028**

Pensions and Investments - **SB 1060**

Public Education - **HB 552, HB 693, HB 860, HB 1172, HB 1253, HB 2218, HB 2527, HB 2528, HB 2825**

Regulated Industries - **SB 732**

State Affairs - **HB 2004, HB 2397, HB 2765, HB 3498, HR 526**

Transportation - **HB 924, HB 1422, HB 2299, HB 2472, HB 2677, HB 3106, HB 3554, HB 3563, HB 3564**

Urban Affairs - **HB 1859, HB 1902, HB 3158, SB 667**

Ways and Means - **HB 2414**

#### **ENROLLED**

**April 28 - HB 535, HB 1011, HB 1236, HB 1508, HCR 190, HCR 191**

#### **SENT TO THE GOVERNOR**

**April 28 - HB 535, HB 1011, HB 1236, HB 1508, HCR 159, HCR 190, HCR 191, HCR 203, HCR 205**